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**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING REVISIONS TO THE WINERY ORDINANCE AND RANCH  
MARKETING ORDINANCE**

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO  
ORDAINS AS FOLLOWS:**

Section 1. Section 130.40.050 of the El Dorado County Ordinance Code entitled  
"Reserved" is hereby amended in its entirety to read as follows:

Sec. 130.40.050 Agricultural Marketing Disclosures.

A. For purposes of this Section:

1. "Agricultural property" means land zoned as Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) or land with a commercial winery within the meaning of Section 130.40.400 (Wineries).
2. "Eligible transaction" means a sale, exchange, installment land sale contract (as defined in Civil Code Section 2985), lease with an option to purchase, any other option to purchase, or ground lease coupled with improvements.

B. Under the authority of Civil Code Section 1102.6a, before any transfer of Agricultural property in an eligible transaction the transferor shall provide the following disclosure: "Agricultural production is the primary use or function, or if this real property is a commercial winery the primary purpose of the winery shall be to process fruit grown on the winery lot or on other local agricultural lands, of the real property subject to this transaction. The real property may be eligible for limited related activities such as bake shops, food stands, dining facilities, marketing events, special events as set out in the Winery Ordinance (El Dorado County Ordinance Code Section 130.40.400) and the Ranch Marketing Ordinance (El Dorado County Ordinance Code Chapter 130.44). If you have questions on what type of activities this

property may be eligible for, and what process or permits are required, you are encouraged to contact the County Agricultural Department of the County Department of Planning and Building.” This disclosure shall be provided on a form substantially similar to that provided in Civil Code Section 1102.6a. The transferor shall ensure that the transferee signs the disclosure before completing the transfer. This disclosure may be consolidated on one form with any disclosure required by the Right to Farm Ordinance (Section 130.40.290).

Section 2. Section 130.40.400 of the El Dorado County Ordinance Code entitled “Wineries” is hereby amended as follows:

**Sec. 130.40.400 Wineries.**

A. Content. The winery ordinance:

1. Provides 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).
2. Encourages 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).
3. Implements General Plan policies that encourage development of agriculturally-related uses while protecting the agricultural character and long-term productivity 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. Applicability. Except as provided in Subsection H (Micro-Wineries and Small Vineyards) below in this Section, the regulations and standards of this Section shall apply to wineries, as defined in Article 8 (Glossary: see "Wineries") of this Title, where allowed in the use matrices for the zones, on lots that are a minimum of ten acres or more in size with a commercial vineyard.

C. Definitions. As used in this Section, the terms below will mean the following:

*Agricultural Commissioner* means the County Agricultural Commissioner.

*Commercial Vineyard* means 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 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop. The Agricultural Commissioner may, when calculating acreage under this paragraph, include wine grapes planted on contiguous property under common ownership. The operator of the commercial vineyard area may demonstrate the vineyard area is under common ownership by providing proof that the operator is the record title holder of the land or by providing a notarized lease agreement with the record title holder of the land. This

paragraph does not modify the minimum lot size requirement in Subsection B (Applicability), above.

The Agricultural Commissioner may determine and verify whether the vineyard is in compliance with this paragraph consistent with Subsection G.1. (Commercial Vineyard) below.

*Concerts or Other Outdoor Amplified Music or Voice* means any musical outdoor performance, including the playing of recorded music, in which sound amplification devices are used by one or more performers, including, but not limited to, concerts, music festivals, performance by a disc jockey, or any other musical performance.

*County-Maintained Road* means a road that is listed on the current County Maintained Mileage List by the Department of Transportation. This list does not typically include County Service Area (CSA) or Zones of Benefit (ZOB) roads.

*Indoors* means any fully enclosed area covered with a roof.

*Properly Maintained* means 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.

*Room Rental Event* means an event that involves the winery owner renting or donating a portion of the winery for hire that is held indoors.

*Winery* means an agricultural processing facility that produces 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 that has a current California Alcohol Beverage Control (ABC) Type 2 Winegrower's License.

- D. Table of Allowed Uses. Uses allowed under Table 130.40.400.1 (Wineries Allowed Uses Matrix), below in this Section, are subject to compliance with all applicable provisions of this Title and the County Code of Ordinances. Allowed uses may require a discretionary permit in compliance with Subsections F.1 and G.5 (Use Compatibility Limitations, and Access Standards, respectively) below in this Section. The following winery and accessory uses are further defined in Subsection E (Winery Uses) below in this Section:

**Table 130.40.400.1—Wineries Allowed Uses Matrix**

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands RE: Estate Residential	A MUP P CUP TUP —	Administrative Permit (Section 130.52.010) Minor Use Permit (Section 130.52.020) Allowed use Conditional Use Permit required (Section 130.52.021) Temporary Use Permit (Section 130.52.060) Use not allowed in zone				
USE	PERMIT REQUIRED BY ZONE					
	AG & PA	PA & LA 10+	PA 10—	RE-10 & RL	RE-10 & RL	LA 10+

	20+ Acres	Acres; In Ag District	19.9 Acres; Out of Ag District	10+ Acres; In Ag District	10+ Acres; Out of Ag District	Acres; Out of Ag District
<b>Winery</b>						
Production Facilities	P	P	P	P	P	P
Full Service Facilities	P	P	MUP	MUP	CUP	CUP
Wholesale/Retail Sale of Wine	P	P	MUP	MUP	CUP	CUP
Art/Merchandise Sales	P	P	P	A	CUP	MUP
<b>Campground</b>						
Temporary	TUP	TUP	TUP	TUP	TUP	TUP
Permanent	CUP	CUP	CUP	CUP	CUP	CUP
Picnic Areas	P	P	P	P	A	A
<b>Events</b>						
Marketing/Promotional	P	P	A	MUP	CUP	MUP
Special Events (limit allowed by E.3)	A	A	MUP	MUP	CUP	CUP
Agricultural Museums	P	P	A	MUP	CUP	CUP
<b>Commercial Kitchen</b>						
Food Preparation, On-site	P	P	A	MUP	CUP	MUP
Catering, Off-site	P	P	A	MUP	CUP	MUP
Dining Facilities	CUP	CUP	CUP	CUP	CUP	CUP
<b>Distilleries</b>						
Large Commercial	CUP	CUP	CUP	CUP	CUP	CUP
Craft	CUP	CUP	CUP	CUP	CUP	CUP
<b>Lodging</b>						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural and Timber Lodging	See Table 130.40.170.1 (Agricultural Lodging)					
Special Events (in excess of E.3)	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP
Concerts or Other Outdoor Amplified Music or Voice	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP	TUP/CUP
Room Rental Events	P	P	P	P	P	P

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

1. General Winery Provisions.

- 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.
  - b. Wineries include those areas of a winery where grapes are crushed, fermented, or pressed; where bulk wine is stored in tanks or barrels; where winery operations such as racking, filtering, blending, or bottling of wines are carried out; and where on-site case goods are stored.
  - c. Multiple lots under the same ownership are not considered to be a single lot for purposes of this Section, except for the purposes of calculating the qualifying acreage of a commercial vineyard under Subsection C (Definitions – Commercial Vineyard) above.
2. Tasting Facilities.
  - a. Subordinate to Winery. Tasting facilities shall be clearly related and subordinate to the primary operation of the bonded winery as a production facility. The primary focus of the tasting facilities shall be the marketing and sale of the wine and grape or fruit products produced, vinted, cellared, or bottled at the winery. Snack foods that are consumed during wine tasting are allowed.
  - b. Wine Sales. Retail sales of wine fruit products shall be limited to those produced, vinted, cellared, or bottled by the winery operator or grown on the winery lot, or custom crushed at another facility for the winery operator, subject to the provisions of an ABC Type 2 Winegrower's license. (The ABC Type 2 Winegrower's license requires that at least 50 percent of the wine sold be produced by the winery).
  - c. Marketing. Tasting facilities include any marketing activities sponsored by a winery facility intended for the promotion and sale of the facility's products. Activities of a marketing event may include, but are not limited to, live music, catered food, food prepared on the premises, winemaker dinners, releases, library wines, discounted sales, "bottle-your-own," and similar activities. Live music is subject to Subsection G.8 (Outdoor Amplified Music) below in this Section. Concerts or other outdoor amplified music or voice or events sponsored by or for the benefit of an organization other than the winery shall not be allowed as marketing events, but may be allowed as special events subject to Subsection E.3 (Special Events) below in this Section.
3. Special Events. Special events, as defined in Article 8 (Glossary) of this Title, are any events such as charitable events, promotional events, and facility rental events that are not the tasting and marketing activities described in Subsection E.2.c (Tasting Facilities: Marketing) above in this Section.
  - a. Number Allowed. Except as provided in Subsection i. (Charitable Events) and Subsection b.2 (Administrative Permit Process) below, special events are limited to a total of twelve (12) events per calendar year for any Commercial Vineyard.

- b. Administrative Permit Process. Special events are allowed with the issuance of an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, and subject to the following requirements:
- (1) The winery owner shall apply to the Agricultural Commissioner on a form prescribed by the County that meets all County requirements, including payment of any applicable fees. On that application, the winery owner must attach proof that the Agricultural Commissioner has verified that the winery meets the minimum five acres of grapes planted and capable of producing a commercial crop that is required to be a Commercial Winery within 30 days of the date of the application, or the winery owner will provide consent for the Agricultural Commissioner to perform that verification.
  - (2) The winery owner may, in that application, request to hold an additional two (2) special events per calendar year, up to a maximum of twenty-four (24) special events per calendar year, for every additional five acres of grapes over the minimum required to meet the definition of a Commercial Vineyard that the Agricultural Commissioner verifies are planted and capable of producing a commercial crop. Five acres shall mean a planting of wine grapes spanning an area of at least 217,800 square feet and consisting of a minimum of 2,200 grape vines that are properly maintained to produce a commercial crop. The Agricultural Commissioner shall verify the total acres of grapes the winery owner has planted that is capable of producing a commercial crop and report the final number of eligible special events on the approved administrative permit. A winery owner that qualifies in Subsection E.3.b.3, below, may request to hold additional special events in compliance with this paragraph.
  - (3) Notwithstanding the maximum special events described in E.3.a (Number Allowed) above, the winery owner may, in its application, state that it submitted to the Agricultural Commissioner Advance Notice of at least 1 special event between January 2024 and October 2024 in compliance with Subsection E.3.h (Advance Notice), below. The Agricultural Commissioner shall verify whether County records confirm that the owner provided advance notice as required by this paragraph and report the final number of eligible special events on the approved administrative permit. If the winery owner qualifies under this paragraph, then the owner is limited to the following number of special events per calendar year:
    - a. For the 2025 Calendar Year: 18 special events.
    - b. For the 2026 Calendar Year, and every year thereafter: 12 events.
  - (4) The Agricultural Commissioner shall review any application for an Administrative Permit to hold special events as they are received. The application shall be approved if it meets all applicable requirements of this

Title, and shall be denied if the Agricultural Commissioner finds that any of the following has occurred:

- a. The application is based on inaccurate or incomplete information.
  - b. The applicant has failed to pay any required application fees in full.
  - c. The applicant is ineligible under Subsection J.4 (Suspension for Repeat Violations), below.
- (5) Any approved administrative permit is valid for one calendar year. An administrative permit issued under this Section does not grant any entitlement or interest in real property, does not create any interest of value, and it does not run with the land.
- c. Special events that have, or are planned to have, up to 250 persons in attendance shall count against the total number of events allowed. A winery owner may only hold one special event per calendar day. If a special event is intended to last more than one calendar day, the winery owner shall submit separate notices for each day pursuant to Subsection h (Advance Notice) below, and each event will be included in the maximum number of special events event limit calculated under Subsection 3.b, above.
  - d. Capacity Limitation. All special events are limited to 250 persons at one time. The winery owner shall ensure that the special event does not exceed the maximum capacity of 250 persons at one time.
  - e. Ranch Marketing. This Section, rather than Chapter 130.44 (Ranch Marketing), shall govern a winery owner holding a special event. The number of special events shall not be added to or combined with those allowed under Chapter 130.44 (Ranch Marketing).
  - f. Temporary Use Permit. The winery owner may apply for a Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title for a special event that meets all the following requirements:
    - (1) The number of attendees will exceed 250 persons at any given time.
    - (2) The winery owner has been issued no more than three Temporary Use Permits for that property per calendar year, including the special event that the Temporary Use Permit would apply to.
    - (3) The winery owner shall not hold more than one special event under this Subsection per calendar month.
  - g. Concerts or Other Amplified Outdoor Music or Voice. Concerts or other outdoor amplified music or voice in which the music is the primary attraction may be allowed if the winery owner obtains a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, or a Temporary Use Permit in compliance with Section

130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title. If it is reasonably anticipated that more than 150 persons will be present at the event, the winery owner shall also obtain a permit under Chapter 12.39 or a permit for an outdoor music festival under Chapter 5.32, as applicable.

h. Advance Notice.

- (1) The winery owner shall notify the Agricultural Commissioner, on a form prescribed by the Agricultural Commissioner, no later 14 days in advance of each special event held under this Section. Notwithstanding the 14-day period in the previous sentence, the winery owner may, no later than seven days before the special event, submit a request to the Agricultural Commissioner for an exception to submit the advance notice no later than 48 hours before the event, and shall include in that request the reasons why special circumstances exist to grant this exception. The Agricultural Commissioner may grant that request if the Agricultural Commissioner finds, in his or her sole discretion, that special circumstances exist that justify the lesser period of advance notice.
- (2) The winery owner shall list all the following in the notice required by this Subsection:
  - (a) The name and contact information for a Designated Local Contact for the event and the date.
  - (b) The approximate duration for when the event will commence and end.
  - (c) The address of the event.
- (3) The Agricultural Commissioner shall make the information submitted by this Subsection f available on the County's website, including the name and contact information of the Designated Local Contact.
- (4) The Designated Local Contact must be available via telephone during the duration of the event, as stated in the notice sent to the Agricultural Commissioner, and two hours before and one hour after the event.
- (5) The Designated Local Contact shall respond to the County within 30 minutes and complete any corrective action that is requested by the County in a timely manner. The Designated Local Contact shall respond to any complaints from any member of the public within 30 minutes and take corrective action to resolve any reasonable complaint. The Designated Local Contact shall prioritize complaints related to noise, lighting, trash, or parking.
- (6) A failure to comply with this Subsection h (Advance Notice) constitutes a violation subject to enforcement under Subsection J (Enforcement) below.



- i. Charitable Events. The winery owner may hold a maximum of three special events per calendar year under this paragraph that are charitable or fundraising events held for the benefit of a nonprofit organization that that qualifies for exempt status under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code. A special event held under this paragraph must comply with all requirements of this Section applicable to special events, including Subsection E.3.h (Advance Notice), except that the three special events authorized under this paragraph are not counted for purposes of determining the maximum number of special events allowed under Subsection E.3 (Special Events) above in this Section. The winery owner must also provide to the Agricultural Commissioner documentation acceptable to the Agricultural Commissioner demonstrating that the organization qualifies for exempt status, and that any proceeds of the event, excluding the costs of the winery owner, will be used solely by that organization. Any charitable or fundraising events held in excess of the three authorized by this paragraph are counted for purposes of determining the maximum number of special events allowed under Subsection E.3 (Special Events) above in this Section.
4. Room Rental Event. Room rental events are allowed, and are not counted for purposes of determining the maximum number of special events allowed under Subsection E.3 (Special Events) above in this Section, if the winery owner complies with all the following requirements:
  - a. The event is held indoors and involves the rental of a portion of the winery.
  - b. There will be no more than 40 persons in attendance.
  - c. No amplified music or amplified speech is allowed.
  - d. Only one room rental event may be held each calendar day.
  - e. The event is limited in duration to eight hours and must be held during the normal business hours of the winery.
5. Dining Facility. The dining facility, as defined in Article 8 (Glossary: see "Ranch Marketing, Dining Facility") of this Title, shall be subordinate to the sale of wine. Areas of a winery that are temporarily set up for winemaker dinners are not considered to be part of the dining facility.
6. Distilleries. A distillery, as defined in Article 8 (Glossary: See "Distillery") of this Title, shall be bonded through the Alcohol and Tobacco Tax and Trade Bureau and have a current California ABC License. Distilleries are allowed in Industrial Low (IL) and with a Conditional Use Permit in Industrial High (IH), Research and Development (R&D) and in Agricultural Zones (see Table 130.40.400.1—Wineries Allowed Uses Matrix), in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Allowed activities include, but are not limited to, blending, aging, storing, bottling, and warehousing operations; tasting facilities; wholesale and retail sales; and administrative functions.

7. Commercial Kitchen. A commercial kitchen, as defined in Article 8 (Glossary: see "Commercial Kitchen") of this Title, shall be accessory to the winery, tasting room, and any other authorized accessory use.
  8. Museum. Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
  9. Picnic Areas. Picnic areas shall be subordinate to the winery and tasting room.
  10. Retail Sales. Retail sales of merchandise, art, and prepackaged food items shall only be allowed within the tasting facilities and shall not be located in a separate structure. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. Sale of non-wine merchandise shall be subordinate to the wine sales.
  11. Catering. As defined in Article 8 (Glossary: see "Catering") of this Title, use of an on-site commercial kitchen for catering off-site events may be allowed by Conditional Use Permit, in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, and only when the catering use is found to be subordinate to the winery's wine sales.
- F. Special Provisions.
1. Use Compatibility Limitations. Proposed winery facilities that are not located within an Agricultural District and that have property lines adjacent to a lot with a noncompatible zone designation shall require a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. For purposes of this Subsection, noncompatible shall be RM, RI, R20K, R1A, R2A and R3A. The use compatibility determination will be made prior to issuance of a building permit for a winery building. Subsequent expansion of the facility's structures or uses will require additional use compatibility determinations.
- G. Development Standards. These standards are the minimum required for all wineries, accessory uses, and structures listed in Subsection E (Winery Uses) above in this Section. Additional requirements may be added through the discretionary permitting process, if applicable.
1. Commercial Vineyard. The Agricultural Commissioner may, with advance notice of at least 24 hours, inspect a winery to determine whether the minimum acreage of wine grapes cease to exist or be properly maintained. The Agricultural Commissioner may issue an order, in writing, if the Agricultural Commissioner determines that the winery does not meet the standard in the previous sentence and shall explain in that order the deficiencies and any steps to cure that deficiency. The winery owner has 30 days to address the deficiencies in that order to the satisfaction of the Agricultural Commissioner. If the winery owner has not addressed the deficiencies within that time period and has not appealed the order, then 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. If

the winery owner appeals the order consistent with the following paragraph, then the winery owner may continue to operate during the pendency of that appeal with the Ag Commission. If the Ag Commission affirms the order in its decision, then 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.

The winery owner who was issued the order may appeal the Agricultural Commissioner's determination to the Ag Commission within 30 calendar days of the order being issued. The Ag Commission shall review the determination for consistency with this Section and issue a decision. The winery owner has 20 calendar days to file a timely appeal of that decision to the superior court. If any party fails to file a timely appeal to the Ag Commission or the superior court shall be deemed to have waived any and all objections to the Agricultural Commissioner or the Ag Commission's determination.

2. Setbacks. The following minimum setbacks apply to all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas:
  - a. Adjacent to nonresidential zones: 50 feet from all property lines.
  - b. Adjacent to residential zones: 200 feet from all property lines.
  - c. The 200-foot setback in [Subsection] 2.b above in this Section may be reduced to no less than 50 feet by a grant of administrative relief in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title.
3. Signs. See Chapter 130.36 (Signs) in Article 3 (Site Planning and Project Design Standards) of this Title.
4. Parking. The following parking standards shall apply to wineries, tasting rooms, and accessory uses:
  - a. Permanent parking spaces shall be provided for wineries, tasting rooms, and retail sales areas in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title.
  - b. Parking surfaces shall be surfaced with a Class 2 aggregate base or equivalent, with appropriate hard-surfacing for designated ADA compliant parking stalls.
  - 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 in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title. All temporary parking shall be accommodated on-site and shall meet any fire district requirements.
5. Access Standards. Access standards shall be as follows:

- a. Direct access from a non-county-maintained road, regardless of whether the road is located on or off-site, shall require the following:
    - (1) In an Agricultural District. An Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, following a recommendation by the Ag Commission.
    - (2) Not in an Agricultural District. A Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
  - b. Road Maintenance. The winery owner will be required to participate in a private road maintenance entity, annex into a road zone of benefit (ZOB), or otherwise pay a fair share for road maintenance as determined by the review authority.
  - c. Fire Safe/Code Standards. Access to a winery open to the public shall meet the minimum access requirements of the applicable fire district, including both on-site and off-site access roads. Exceptions to these standards may be allowed by the fire district, subject to the appeal processes identified in the SRA Fire Safe Regulations.
  - d. Facilities Not Open to the Public. A winery that is not open to the public and does not provide on-site sales may be accessed by a non-county-maintained road.
6. Size Limitation.
- 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.
  - b. All new wineries and expansions of existing wineries that exceed 10,000 square feet of floor area and are visible from a County-maintained road shall require a Design Review Permit in compliance with Section 130.52.030 (Design Review Permit) in Article 5 (Planning Permit Processing) of this Title.
  - c. Tent structures that exceed 1,200 square feet of floor area and are visible from a County-maintained road shall be limited to a 30-day period, three times per calendar year, unless additional time frames are approved by a Temporary or Conditional Use Permit, in compliance with Section 130.52.060 (Temporary Use Permit) or Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.
  - d. The total enclosed square footage of all floors of a winery building shall not exceed the square footage shown in the Table 130.40.400.2 (Allowed Square Footage for Winery Buildings) below in this Section. Any winery building or group of winery buildings and accessory buildings exceeding the square footage in Table 130.40.400.2 (Allowed Square Footage for Winery Building) below in this Section shall require a Conditional Use Permit in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. Winery buildings do not include residential buildings, garages,

outbuildings, and structures not associated with the winery, such as agricultural buildings.

**Table 130.40.400.2—Allowed Square Footage for Winery Buildings**

<b>Lot on which the Winery is Located</b>	<b>Maximum Allowable Winery Building Size</b>
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

7. Cultural Resource Protection.
  - 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.
  - 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.
8. Outdoor Amplified Music. All events, including special events, featuring outdoor amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards) in Article 3 (Site Planning and Project Design Standards) of this Title. For any events occurring between 7:00 p.m. and 10:00 p.m., a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10:00 p.m.
9. Wine Caves. The use of subterranean space for winery facilities in natural or manmade caves shall be in compliance with all applicable building and fire codes, and permit requirements.
- H. Micro-Wineries and Small Vineyards. Wineries that do not meet the minimum acreage requirement for a commercial vineyard, as defined under Subsection C (Definitions) above in this Section, or the minimum lot size under Table 130.40.400.1 (Wineries Allowed Uses Matrix) above in this Section, shall be allowed in compliance with Table 130.40.400.3 (Micro-Winery and Small Vineyards Use Matrix) below in this Section, subject to the following requirements in this Subsection:

**Table 130.40.400.3—Micro-Winery and Small Vineyards Use Matrix**

<b>USE</b>	<b>PA &amp; AG 10+ Acres; In Ag District</b>	<b>LA, PA, AG, RL, &amp; RE 5+ Acres; In/Out of Ag District</b>
Small Vineyard Winery	CUP	—

Micro-Winery	—	CUP
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1. Small Vineyard Winery Standards. Wineries with a minimum of one to less than five acres of a planted wine-making crop (wine grapes or other fruit) shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. The only accessory use allowed shall be a distillery; and
  - b. At least 75 percent of the fruit used by the facility shall be grown within El Dorado County.
2. Micro-Winery Standards. Micro-wineries shall be allowed in compliance with the following provisions and Subsection H.3 (General Standards) below in this Section:
  - a. All micro-wineries shall have a minimum of one acre of planted wine grapes on the same lot;
  - b. 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 may exceed these amounts in compliance with the Conditional Use Permit if:
    - (1) The lot is within an Agricultural District; and
    - (2) The Ag Commission finds that the land is not capable of supporting five acres of vineyard and potential on-site agricultural land is not being precluded from future agricultural production;
  - c. No other accessory uses described in this Section are allowed on the site;
  - d. On-site signs are limited to one, single-faced, non-illuminated sign advertising the name of the winery and owner, and stating "Not Open to the Public." The sign face shall measure a maximum of six square feet in area and shall stand no higher than six feet from natural grade, as measured directly below the sign; and
  - e. The total enclosed floor area(s) of the micro-winery shall measure no greater than 2,000 square feet.
3. General Standards. The following standards shall apply to both small vineyard wineries and micro-wineries:
  - a. One acre shall mean a planting of wine grapes spanning an area of at least 43,560 square feet and consisting of a minimum of 440 grape vines;
  - b. The wine grapes or fruit crop shall be properly maintained and cared for to produce a commercial crop. Should the proper maintenance and care of the required minimum acreage cease, as determined by the Agricultural Commissioner, the right to operate the winery becomes void, consistent with Subsection G.1 (Commercial Vineyard) above;

- c. Wine sales shall be conducted off-site or by internet, mail order, telephone, facsimile, or similar means, only. No on-site sales, tasting, or public access shall be allowed either directly or by appointment;
  - d. Compliance with all applicable local, state, and federal laws shall be verified prior to operation. At a minimum, the following shall be required:
    - (1) Fire district review of the facility for consistency with the fire code;
    - (2) Waste Discharge Permit or Waiver of Discharge Permit from Regional Water Quality Control Board;
    - (3) Winegrower license from the ABC;
    - (4) Bonding through the Alcohol and Tobacco Tax and Trade Bureau; and
    - (5) Building permit, subject to review and approval of the Planning and Building and Environmental Management Departments.
- I. Uses Requiring an Administrative Permit or a Minor Use Permit. Uses allowed by Administrative Permit or Minor Use permit as shown in Table 130.40.400.1 (Wineries Allowed Uses Matrix) shall comply with Section 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title and the following:
  - 1. The use is incidental and accessory to the winery;
  - 2. A commercial kitchen established for a winery may be used for preparation of food served on-site or off-site or may be leased as a catering facility under an administrative permit. The administrative permit shall verify that all approvals from applicable agencies including, but not limited to, El Dorado County Environmental Management Department, California Department of Public Health, and California Department of Food and Agriculture have been obtained.
- J. Enforcement.
  - 1. Any violation of Subsection E.3 (Special Events) is subject to enforcement under Chapter 9.02, except that, notwithstanding Section 9.02.210, a violation of Subsection E.3 (Special Events) may be a misdemeanor and the fine assessed for each Notice and Order issued for the same violation shall be as follows:
    - a. First violation: \$250.
    - b. Second violation: \$500.
    - c. Third or subsequent violation: \$1,000.
  - 2. The County may recover the costs of abatement incurred by the County in its code enforcement efforts, including administrative fines or fees, under Section 9.02.090.
  - 3. All fines or costs collected under this Section shall be deposited into the General Fund and used for costs related to enforcement and administration of this Section.

4. **Suspension for Repeat Violations.** If a winery owner has received three substantiated violations or more occurring on separate dates related to a violation of Subsection E.3 (Special Events) within any eighteen (18) month period then the County shall revoke any associated administrative permit that authorized the winery owner to hold special events, and that person will be ineligible to submit an application for an administrative permit to hold special events for six (6) months after the date of the last violation. For purposes of determining whether a substantiated violation occurred within the eighteen (18) month period, that period is calculated from the date of violation and not the date that the Notice and Order is substantiated and includes any violation that occurred on a date after the effective date of Ordinance No. 5177 and before the effective date of the Ordinance amending this Subsection. Any subsequent substantiated violation of this paragraph will extend that six (6) month period for an additional six (6) months. The County may enforce any violation of this paragraph as a public nuisance and may take all reasonable actions consistent with law to abate that public nuisance, including injunctive relief. For purposes of this paragraph, *substantiated violation* means the winery owner received a Notice and Order under Chapter 9.02 and either did not contest such violation or filed a timely appeal and the violation in the Notice and Order was upheld by the administrative hearing officer. A *substantiated violation* does not include a complaint that did not result in a substantiated violation, nor does it include a violation that led to a Notice and Order that was withdrawn by both parties due to compliance.

Section 3. Section 130.44.101 of the El Dorado County Ordinance Code entitled “Applicability and Exceptions” is hereby amended as follows:

**Section 130.44.101 – Applicability and Exceptions**

- A. **Applicability.** Except as provided in Subsection B (Exceptions) below in this Section, the regulations and standards of this Chapter shall apply to ranch marketing uses if allowed in the use matrices for the zones on lots that meet the following minimum criteria:
  1. **Minimum Lot Size.** Ten gross acres.
  2. **Minimum Cropland Area:**
    - a. Except as provided in Subsection 2.e below, the acreage shall comply with either of the following:
      - (1) Five acres of permanent agricultural cropland.
      - (2) 10 acres of annual agricultural cropland in production.
    - c. The minimum cropland area shall be properly maintained and cared for to produce a commercial crop. The Agricultural Commissioner may determine whether the cropland area is in compliance with this paragraph. Failure to maintain cropland will void the ranch marketing uses of this Chapter.
    - d. The Agricultural Commissioner may, when calculating acreage under Subsection 2.a above, count as one ranch marketing area contiguous property under



common ownership. The operator of the ranch marketing area may demonstrate the ranch marketing area is under common ownership by providing proof that the operator is the record title holder of the land or by providing a notarized lease agreement with the record title holder of the land.

- e. Notwithstanding Subsection 2.a above, a smaller acreage amount may qualify for Ranch Marketing if minimum production standards are met. The Agricultural Commissioner and the Director may determine whether to allow a smaller acreage amount consistent with this paragraph.
  - 3. Agricultural production is the primary use or function of the property. *Primary use or function* means that the property is used for agricultural production and the sale of the agricultural commodity that is produced on the property. The Agricultural Commissioner may review the proposed Ranch Marketing area to ensure that the site conforms to the standards in Subsection 130.44.102.B (General Standards: Maximum Ranch Marketing Area).
  - 4. An operator of a ranch marketing area that is proposed on, or adjacent to, land zoned Planned Agriculture (PA), Limited Agriculture (LA), Agricultural Grazing (AG), Forest Resource (FR), or Timber Production (TPZ) must, before engaging in any ranch marketing activities on said parcels, submit that proposal to the Director for consistency with General Plan Policy 2.2.5.2 and for new or existing uses to the Agricultural Commissioner and Ag Commission for compatibility with surrounding agricultural land uses or on agriculturally zoned lands. This paragraph will apply to all operators of ranch marketing areas, including those that were in existence before the effective date of this ordinance amending this paragraph. The Director or the Agricultural Commissioner and Ag Commission, as applicable, may issue a written decision either approving or denying the proposal for consistency with General Plan Policy 2.2.5.2 or with compatibility with surrounding agricultural land uses or agriculturally zoned lands, as applicable. The operator of the ranch marketing area may appeal any decision issued under this paragraph to a hearing officer within thirty (30) calendar days of the order being issued. The hearing officer shall review any decision issued under this paragraph and issue a decision. The operator of the ranch marketing area has twenty (20) calendar days to file a timely appeal of that decision to the superior court. If any party fails to file a timely appeal to the Ag Commission or the superior court shall be deemed to have waived all objections to the Director or the Agricultural Commissioner and Ag Commission's decision.
- B. Exceptions. This Chapter does not apply to the following uses:
- 1. Produce sales, as defined in Article 8 (Glossary: see "Produce Sales") of this Title, for the direct sale of products grown on-site.
  - 2. Indirect sales by mail, telephone, or internet if delivery of the goods occurs off-site.
  - 3. Direct sale of value-added agricultural products created from products grown on-site.

Section 4. Section 130.44.102 of the El Dorado County Ordinance Code entitled “General Standards” is hereby amended as follows:

**Section 130.44.102 – General Standards**

- A. **Concurrency.** The uses identified in Sections 130.44.104 (Ranch Marketing Uses for Crop Production), 130.44.105 (Ranch Marketing Provisions for Christmas Tree Sales), 130.44.106 (Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal)) below in this Chapter, shall be conducted concurrently with the on-site sale of agricultural products grown on-site or value-added, except as provided below:
1. Marketing activities, as provided in Subsection 130.44.104.B.3 (Ranch Marketing Uses: Marketing Activities and Accessory Uses) below in this Chapter, may be allowed concurrently with the sale of off-site produce or value-added if both of the following are met:
    - a. The off-site produce or value-added are, or are made from, the same type of produce grown on-site.
    - b. All other requirements of this Chapter are met.
  2. Special events, subject to all other provisions of this Chapter, including Subsection 130.44.102.C (Special Events Generally).
- B. **Maximum Ranch Marketing Area.** The total ranch marketing area cannot occupy more than five (5) acres or 50 percent of the lot, whichever is less. The total enclosed square footage of all ranch marketing buildings shall not exceed the square footage shown in Table 130.44.102.1 (Ranch Marketing Use Matrix) below in this Section. Any ranch marketing building, or group of ranch marketing and accessory buildings, that exceeds the square footage in the following table shall require a Conditional Use Permit, in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. As used in this Subsection, “ranch marketing buildings” or “ranch marketing building” do not include residential buildings, garages, outbuildings, and structures not associated with the ranch marketing operation, and any residential buildings, garages, outbuildings, or structures not associated with the ranch marketing operation that is proposed to be located on the parcel shall require a Conditional Use Permit, in compliance with Section 130.52.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title.

**Table 130.44.102.1—Ranch Marketing Use Matrix**

<b>Lot on Which the Ranch Marketing Operation is Located</b>	<b>Maximum Allowable Ranch Marketing Building Area</b>
10 acres to less than 20.0 acres	10,000 square feet
20 acres to less than 40.0 acres	40,000 square feet
40.0 acres and larger	60,000 square feet

- C. Special Events Generally. All special events held under this Chapter shall comply with the following requirements:
1. Special events may be held throughout the year and are not limited to the harvest season.
  2. Number Allowed: Except as provided in Subsection 2.a (Administrative Permit Process) above or Subsection f (Charitable Events) below an operator of a ranch marketing area may hold a total of twelve (12) special events in a calendar year, subject to the following requirements:
    - a. Administrative Permit Process. Special events are allowed with the issuance of an Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title, and subject to the following requirements:
      1. The operator of the ranch marketing area shall apply to the Agricultural Commissioner on a form prescribed by the County that meets all County requirements, including payment of any applicable fees. On that application, the operator of the ranch marketing area must attach proof that the Agricultural Commissioner has verified that the ranch marketing area meets the Minimum Cropland Area requirements of Section 130.44.101.A.2 within 30 days of the date of the application, or that the operator provides consent for the Agricultural Commissioner to perform that verification.
      2. The operator of the ranch marketing area may, in that application, request to hold an additional two (2) special events per calendar year, up to a maximum of twenty-four (24) special events per calendar year, for every additional five acres of crops over the minimum required by 130.44.101.A.2 (Minimum Cropland Area) that the Agricultural Commissioner verifies are properly maintained and cared for to produce a commercial crop. The Agricultural Commissioner shall verify the total crops are properly maintained and cared for to produce a commercial crop and report the final number of eligible special events on the approved administrative permit. An operator of a ranch marketing area that qualifies in Subsection C.2.a.3, below, may request to hold additional special events in compliance with this paragraph.
      3. Notwithstanding the maximum special events described in C.2. (Number Allowed) above, the operator of the ranch marketing area may, in its application, state that it submitted to the Agricultural Commissioner Advance Notice of at least 1 special event between January 2024 and October 2024 in compliance with Subsection C.6 (Advance Notice). The Agricultural Commissioner shall verify whether County records confirm that the operator provided advance notice consistent with this paragraph and report the final number of eligible special events on the approved administrative

permit. If the operator of the ranch marketing area qualifies under this paragraph, then the operator is limited to the following number of special events per calendar year:

- a. For the 2025 Calendar Year: 18 special events.
    - b. For the 2026 Calendar Year, and every year thereafter: 12 events.
  4. The Agricultural Commissioner shall review any application for an Administrative Permit to hold special events as they are received. The application shall be approved if it meets all applicable requirements of this Chapter, and shall be denied if the Agricultural Commissioner finds that any of the following has occurred:
    - a. The application is based on inaccurate or incomplete information.
    - b. The applicant has failed to pay any required application fees in full.
    - c. The applicant is ineligible under Subsection 130.44.108.D (Suspension for Repeat Violations), below.
  5. Any approved administrative permit is valid for one calendar year. An administrative permit issued under this Chapter does not grant any entitlement or interest in real property, does not create any interest of value, and it does not run with the land.
- b. Except as provided in Subsection C.2. (Number Allowed) above or Subsection f (Charitable Events) below, the total number of special events shall be limited to the number provided in this Section and shall not be cumulative if a lot also qualifies for events under Section 130.40.400 (Wineries) in Chapter 130.40.
  - c. Special events that have, or are planned to have, up to 250 persons in attendance shall count against the total number of events allowed.
  - d. An operator of a ranch marketing area may only hold one special event per calendar day. If a special event is intended to last more than one calendar day, the operator of the ranch marketing area shall submit separate requests for each day pursuant to Subsection C.6 (Advance Notice) below, and each day will be included in the maximum events allowed under this Section.
  - e. If the ranch marketing area exceeds this number in a calendar year, a use permit is required under Subsections 130.44.104.D (Ranch Marketing Uses for Crop Production, Uses Requiring a Use Permit) or Subsection 130.44.106.C (Ranch Marketing Provisions for Agricultural Grazing Lands, Uses Requiring a Use Permit), below.
  - f. Charitable Events. The operator of the ranch marketing area may hold a maximum of three (3) special events per calendar year under this paragraph that are charitable or fundraising events held for the benefit of a nonprofit organization that that qualifies for exempt status under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code. A special event held under this paragraph must comply with all requirements of this Chapter applicable to

special events, including Subsection C.6 (Advance Notice) of this Section, except that the three (3) special events authorized under this paragraph are not counted for purposes of determining the maximum number of special events allowed under Subsection C.2 in this Section. The operator of the ranch marketing area must also provide to the Agricultural Commissioner documentation acceptable to the Agricultural Commissioner demonstrating that the organization that qualifies for exempt status, and that any proceeds of the event, excluding the costs of the operator of the ranch marketing area, will be used solely by that organization. Any charitable or fundraising events held in excess of the three (3) authorized by this paragraph are counted for purposes of determining the maximum number of special events allowed under Subsection C.2 in this Section.

3. The operator of the ranch marketing area shall ensure that the special event does not exceed the maximum capacity of two-hundred and fifty (250) persons at one time. Special events in which the number of attendees exceeds, or is planned to exceed, 250 persons at any given time, require a use permit consistent with Subsection 130.44.104.D (Ranch Marketing Uses for Crop Production, Uses Requiring a Use Permit) or Subsection 130.44.106.D (Ranch Marketing Provisions for Agricultural Grazing Lands, Uses Requiring a Use Permit), below.
4. Special events shall be limited in time duration to twenty-four (24) hours, and the event site shall be returned to its pre-event condition after each use.
5. Noise Standards. Outdoor music shall meet County noise standards. Amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards) in Article 3 (Site Planning and Project Design Standards) of this Title, except that a discretionary permit is not required under Section 130.37.070.B. For any events with amplified sound, occurring between 7:00 p.m. and 10:00 p.m., a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10:00 p.m.
6. Advance Notice.
  - a. The operator of the ranch marketing area shall notify the Agricultural Commissioner, on a form prescribed by the Agricultural Commissioner, no later than fourteen (14) calendar days in advance of each special event held under this Chapter. Notwithstanding the fourteen (14) day period in the previous sentence, the operator of the ranch marketing area may, no later than seven (7) days before the special event, submit a request to the Agricultural Commissioner for an exception to submit the advance notice no later than forty-eight (48) hours of the event, and shall include in that request the reasons why special circumstances exist to grant this exception. The Agricultural Commissioner may grant that request if the Agricultural Commissioner finds, in his or her sole discretion, that special circumstances exist that justify the lesser period of advance notice.
  - b. The operator shall list all the following in the notice required by this Subsection:
    1. The name and contact information for a Designated Local Contact for the event and the date.

2. The approximate duration for when the event will commence and end.
3. The address of the event.
- c. The Agricultural Commissioner shall make the information submitted by this paragraph available on the County's website, including the name and contact information of the Designated Local Contact.
- d. The Designated Local Contact must be available via telephone during the duration of the event, as stated in the notice sent to the Agricultural Commissioner, and two (2) hours before and one (1) hour after the event. The Designated Local Contact shall respond to the County within thirty (30) minutes and complete any corrective action that is requested by the County in a timely manner. The Designated Local Contact shall respond to any complaints from any member of the public within thirty (30) minutes and take corrective action to resolve any reasonable complaint. The Designated Local Contact shall prioritize complaints related to noise, lighting, trash, or parking.
- e. A failure to comply with this Subsection 6 constitutes a violation subject to enforcement under this Chapter.

Section 5. Section 130.44.104 of the El Dorado County Ordinance Code entitled "Ranch Marketing Uses for Crop Production" is hereby amended as follows:

**Section 130.44.104 – Ranch Marketing Uses for Crop Production**

- A. Table 130.44.104.1 (Ranch Marketing Uses for Crop Production) below in this Section identifies the allowed Ranch Marketing uses for crop production, subject to the provision below.

**Table 130.44.104.1—Ranch Marketing Uses for Crop Production**

LA: Limited Agricultural PA: Planned Agricultural	P A TUP CUP MUP —	Permissible (allowed) use Administrative permit required (130.52.010) Temporary use permit required (130.52.060) Conditional use permit required (130.52.021) Minor use permit required (130.52.020) Use not allowed in zone	
		PERMIT REQUIRED BY ZONE	
USE TYPE	LA (10+ acres) (Out of Ag Dist)	PA (10+ acres)	Reference
Agricultural museums	CUP	P	—
Art/merchandise sales	MUP	P	—
Bake shop	CUP	P	—
Campground			—

Temporary	TUP	TUP	—
Permanent	CUP	CUP	130.40.100
Christmas trees, choose & cut	A	P	—
Commercial kitchen			—
Catering, off-site	MUP	P	—
Food preparation, on-site	MUP	P	—
Dining facility	CUP <sup>1</sup>	CUP <sup>1</sup>	—
Events			—
Marketing/promotional	MUP	P	—
Room Rental Event	P	P	
Special	CUP	A/MUP/CUP/TUP	—
Food stand	CUP	P	—
Handicraft sales	MUP	P	—
Lodging			—
Agricultural homestays	See Table 130.40.170.1 (Agricultural Lodging)		
Agricultural & timber lodging	See Table 130.40.170.1 (Agricultural Lodging)		
Guest ranch	See Table 130.40.170.1 (Agricultural Lodging)		
Mechanical rides	CUP	CUP	—
Concerts or other outdoor amplified music or voice	TUP/CUP	TUP/CUP	—
Picnic area	A	P	—
Petting zoo	MUP	P	—
<b>NOTES:</b>			
<sup>1</sup> Dining facilities may be allowed by right during harvest season consistent with Subsection B.1 (Bake Shops, and Food Stands, and Dining Facilities) below.			

**B. Ranch Marketing Uses.** The following uses shall be allowed by right during the harvest season:

1. Bake Shops, and Food Stands, and Dining Facilities. Bake shops and food stands, subject to the following standards:
  - a. Bake shops, food stands, dining facilities and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from all applicable agencies including, but not limited to, Environmental Management, California Department of Public Health, and California Department of Food and Agriculture.
  - b. A commercial kitchen established for a bake shop, food stand or dining facility can be used outside of harvest season to make value-added products from cold storage produce. The on- or off-site sale of said value-added products is not limited to its applicable harvest season.
2. Handicraft Sales. Handicraft sales subject to all of the following standards:

- a. Handicrafts shall be products that are made domestically by hand, normally sold by the person who made them, and do not include items that are mass produced by others.
  - b. Vendors shall have a current County business license.
  - c. Vendors may use the site for overnight recreational vehicle camping during the time the vendor occupies the site, subject to any applicable state and county health and safety regulations.
3. Marketing Activities and Accessory Uses. Marketing activities and accessory uses are limited to daylight hours. Outdoor music shall meet County noise standards. Amplified music or amplified speech shall comply with Chapter 130.37 (Noise Standards) in Article 3 (Site Planning and Project Design Standards) of this Title. For any events with amplified sound, occurring between 7:00 p.m. and 10:00 p.m., a noise analysis shall be submitted to the Department demonstrating that the noise standards will not be exceeded. No outdoor music will be allowed after 10:00 p.m. Concerts or other outdoor amplified music or voice sponsored by or for the benefit of an organization other than the operator of the ranch marketing area shall not be allowed as marketing activities but may be allowed with a use permit subject to Subsection D.6 (Uses Requiring a Use Permit), below.
4. Retail Sales. Retail sales of merchandise, art, and prepackaged food items shall be allowed within the ranch marketing area. The sale of prepackaged food items shall comply with the California Health and Safety Code and be permitted by Environmental Management. The sale of non-agricultural merchandise shall be subordinate to the sale of produce and value-added products. Retail sale of on-site produce kept in cold storage is not limited to its harvest season.
5. Agricultural Museum. Agriculturally related museums that primarily display items from California's agricultural history.
6. Room Rental Event. Room rental events are allowed, and are not counted for purposes of determining the maximum number of special events allowed under Subsection 130.44.102.C (Special Events Generally), if the operator of the ranch marketing area complies with all the following requirements:
  - a. The event is held indoors and involves the rental of a portion of the ranch marketing area or related facilities.
  - b. There will be no more than forty (40) persons in attendance.
  - c. No amplified music or amplified speech is allowed.
  - d. Only one (1) room rental event may be held each calendar day.
  - e. The event is limited in duration to eight (8) hours and must be held during the normal business hours of the operator of the ranch marketing area.
- C. Uses Requiring an Administrative Permit. The following uses are allowed by Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title:
  1. Non-ranch marketing use of an existing commercial kitchen established for a bake shop or food stand as an owner-operated or leased catering facility, subject to approval from all applicable agencies including, but not limited to, Environmental



- Management, California Department of Public Health, and California Department of Food and Agriculture.
2. Ranch marketing activities that do not have direct access to a County-maintained road or state highway, provided that the operator of the ranch marketing area has entered into an agreement to participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site. If the operator of the ranch marketing area has not entered into such an agreement, then a use permit is required under Subsection D.7 (Uses Requiring a Use Permit), below.
  3. Special events, subject to compliance with Subsection 130.44.102.C (Special Events Generally) above.
- D. Uses Requiring a Use Permit. The following uses are allowed by use permit in compliance with Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title, as follows:
1. Special events in which the number of attendees exceeds, or is planned to exceed, two-hundred and fifty (250) persons at any given time, and special events that exceed the provisions of this Chapter that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title. The operator of the ranch marketing area that holds a special event using a Temporary Use Permit or a Use Permit shall comply with Subsection 130.44.102.C (Special Events Generally) above.
  2. Any special event that is held on a ranch marketing area that has exceeded the maximum events allowed via an Administrative Permit in a calendar year, consistent with Subsection 130.44.102.C (Special Events Generally) above.
  3. Campgrounds, Temporary Campgrounds, and commercial stables.
  4. Dining facility to the following standards:
    - a. Dining facilities and any other sale of food products shall comply with the California Health and Safety Code, subject to approval from all applicable agencies including, but not limited to, Environmental Management, California Department of Public Health, and California Department of Food and Agriculture.
    - b. A commercial kitchen established for a bake shop, food stand, or dining facility can be used off-season to make value-added products from cold storage produce. The on- or off-site sale of said value added products is not limited to its harvest season.
  5. Mechanical amusement rides, helicopter rides, and similar non-agricultural activities.
  6. Concerts or other outdoor amplified music or voice in which the music is the primary attraction. The event may also be allowed with a Temporary Use Permit if the operator of the ranch marketing area complies with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title. If it is reasonably anticipated that more than one-hundred and fifty (150) persons will be present at the event, the operator of the ranch marketing area shall also obtain a permit under Chapter 12.39 or a conditional use permit for an outdoor music festival under Chapter 5.32, as applicable.

7. Ranch marketing activities that do not have direct access onto a County-maintained road or state highway and the operator of the ranch marketing area has not entered into an agreement to participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area).
8. In addition to the findings required under Subsection 130.52.021.C (Specific Findings for Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, the following findings shall be made by the review authority before approving a Conditional Use Permit under this Section:
  - a. The site meets the minimum acreage and planting standards.
  - b. The use is secondary and subordinate to the agricultural use.
  - c. The use does not detract from or diminish the on-site agricultural uses.
  - d. There is no adverse effect on agricultural production on surrounding properties.
  - e. For lands under Williamson Act contract, the use is compatible with the provisions of California Government Code Section 51200 et seq.

Section 6. Section 130.44.105 of the El Dorado County Ordinance Code entitled "Ranch Marketing Uses for Christmas Tree Sales" is hereby amended as follows:

**Section 130.44.105 – Ranch Marketing Provisions for Christmas Tree Sales**

The provisions of this Section apply only to operations whose primary product are Christmas trees and are not in addition to other uses allowed by this Chapter. The following ranch marketing provisions shall be allowed if Christmas trees are grown on sites that meet the minimum acreage and planting standards of Subsection 130.44.101.A (Applicability) above in this Chapter:

- A. Choose and cut tree sales.
- B. Retail sales in compliance with Subsection 130.44.104.B.4 (Ranch Marketing Uses: Retail Sales) above in this Chapter.
- C. The sale of pre-cut Christmas trees grown off-site provided they are sold concurrently with Christmas trees grown on-site and the primary crop (greater than 51 percent) is grown on-site.
- D. Room Rental Event. Room rental events are allowed, and are not counted for purposes of determining the maximum number of special events allowed under Subsection 130.44.102.C (Special Events Generally), if the operator of the ranch marketing area complies with all the following requirements:
  1. The event is held indoors and involves the rental of a portion of the ranch marketing area or related facilities.
  2. There will be no more than forty (40) persons in attendance.
  3. No amplified music or amplified speech is allowed.
  4. Only one (1) room rental event may be held each calendar day.
  5. The event is limited in duration to eight (8) hours and must be held during the normal business hours of the operator of the ranch marketing area.
- E. Special events on lots of 10 acres or more, subject to compliance with Subsection 130.44.102.C (Special Events Generally) above.

Section 7. Section 130.44.106 of the El Dorado County Ordinance Code entitled “Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal)” is hereby amended as follows:

**Section 130.44.106 – Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal)**

- A. The provisions of this Section apply only to cattle grazing operations and are not in addition to other uses allowed by this Chapter. The following ranch marketing provisions shall provide a ranch atmosphere and natural environment for guest ranches, as allowed for in 130.40.170 (Lodging Facilities) above in Chapter 130.40 and as defined in Article 8 (Glossary) of this Title, and other events and activities defined in this ordinance and shall be allowed on land zoned Agricultural Grazing (AG), Planned Agricultural (PA), and Limited Agricultural (LA) when in compliance with all applicable provisions and development standards of this Chapter. Table 130.44.106.1 (Ranch Marketing Uses for Agricultural Grazing Lands) below in this Section identifies the allowed ranch marketing uses for agricultural grazing lands with large animal operations, subject to the provision below.

**Table 130.44.106.1—Ranch Marketing Uses for Agricultural Grazing Lands**

AG: Agricultural Grazing LA: Limited Agricultural PA: Planned Agricultural	P	Permissible (allowed) use Administrative permit required (130.52.010) Temporary use permit required (130.52.060) Conditional use permit required (130.52.021) Minor use permit required (130.52.020) Use not allowed in Zone		
	A			
	T			
	CUP			
	MUP			
—				
USE TYPE	PERMIT REQUIRED BY ZONE			
	AG, LA & PA (160+ acres)	AG, LA & PA (40 to 160 acres)	AG, LA & PA (less than 40 acres)	Reference
Agricultural museums	P	P	MUP	—
Art/Merchandise sales	P	P	MUP	—
Campground				—
Temporary	P	P	A	
Permanent	CUP	CUP	CUP	130.40.100
Commercial kitchen				—
Catering, off site	P	P	MUP	—

Food preparation, on-site	P	P	MUP	—
Dining facility	CUP	CUP	CUP	—
Events				—
Marketing/promotional	P	P	CUP	—
Room Rental Event	P	P	P	
Special	A	A	CUP	—
Fishing & hunting	P	P	A	—
Food stand or chuck wagon	P	A	CUP	—
Handicraft sales	P	A	MUP	—
Lodging				—
Ag Homestays	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Agricultural & timber lodging	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Guest ranches	See Table 130.40.170.1 (Agricultural Lodging)			130.40.170
Mechanical rides	CUP	CUP	CUP	
Concerts or other outdoor amplified music or voice	T/CUP	T/CUP	T/CUP	—
Petting zoo	P	P	MUP	—
Picnic area	P	P	A	—
Round-ups, rodeos, etc.	P	A	CUP	—
Stables, commercial	P	A	MUP	—
Trail rides	P	A	MUP	—

B. Ranch Marketing Uses on Grazing Lands are the following:

1. Round-ups, rodeos, or other similar activities.
2. Camping, fishing, hunting, horseback riding.
3. Marketing Activities and Accessory Uses in compliance with Subsection 130.44.104.B.3 (Ranch Marketing Uses; Marketing Activities and Accessory Uses) above in this Chapter.
4. Food Stands or Chuck Wagons in compliance with Subsection 130.44.104.B.1 (Ranch Marketing Uses: Bake Shops, and Food Stands, and Dining Facilities) above in this Chapter.
5. Retail sales in compliance with Subsection 130.44.104.B.4 (Ranch Marketing Uses: Retail Sales) above in this Chapter.
6. Museum as defined in Subsection 130.44.104.B.6 (Ranch Marketing Uses: Agricultural Museum) above in this Chapter.
7. Room Rental Events. Room rental events are allowed, and are not counted for purposes of determining the maximum number of special events allowed under

- Subsection 130.44.102.C (Special Events Generally), if the operator of the ranch marketing area complies with all the following requirements:
- a. The event is held indoors and involves the rental of a portion of the ranch marketing area or related facilities.
  - b. There will be no more than forty (40) persons in attendance.
  - c. No amplified music or amplified speech is allowed.
  - d. Only one (1) room rental event may be held each calendar day.
  - e. The event is limited in duration to eight (8) hours and must be held during the normal business hours of the operator of the ranch marketing area.
- C. Uses Requiring an Administrative Permit. The following uses are allowed by Administrative Permit in compliance with Section 130.52.010 (Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title:
1. Ranch marketing activities that do not have direct access to a County-maintained road or state highway, provided that the operator of the ranch marketing area has entered into an agreement to participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site. If the operator of the ranch marketing area has not entered into such an agreement, then a use permit is required under Subsection.D.5 (Uses Requiring a Use Permit), below.
  2. Use of existing permanent structures or temporary structures.
  3. Other uses found compatible with grazing operations.
  4. Special Events in compliance with Subsection 130.44.102.C (Special Events Generally) above in this Chapter.
- D. Uses Requiring a Use Permit. The following uses are allowed by use permit in compliance with Chapter 130.52 (Permit Requirements, Procedures, Decisions, and Appeals) in Article 5 (Planning Permit Processing) of this Title, as follows:
1. Concerts or other outdoor amplified music where the music is the primary attraction. The event may also be allowed with a Temporary Use Permit if the operator of the ranch marketing area complies with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title. If it is reasonably anticipated that more than one-hundred and fifty (150) persons will be present at the event, the operator of the ranch marketing area shall also obtain a permit under Chapter 12.39 or a conditional use permit for an outdoor music festival under Chapter 5.32, as applicable.
  2. Special events in which the number of attendees exceeds, or is planned to exceed, 250 persons at any given time, and special events that exceed the provisions of this Chapter that are on-going or reoccurring. One-time special events may be authorized by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title. The operator of the ranch marketing area shall comply with Subsection 130.44.102.C.3 (Special Events Generally) above.
  3. Any special event that is held on a ranch marketing area that has exceeded the maximum events allowed via an Administrative Permit in a calendar year, consistent with Subsection 130.44.102.C (Special Events Generally) above.

4. Dining facility.
5. Ranch marketing activities that do not have direct access onto a County-maintained road or state highway and the operator of the ranch marketing area has not entered into an agreement to participate in any road maintenance entity (homeowner's agreement, Zone of Benefit, Community Services District, or County Service Area) on roads that serve the site.
6. In addition to the findings required under Subsection 130.52.021.C (Special Findings for Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title, the following findings shall be made by the review authority before approving a Conditional Use Permit under this Section:
  - a. The use is secondary and subordinate to the agricultural use.
  - b. The use does not detract from or diminish the on-site agricultural uses.
  - c. There is no adverse effect on agricultural operations on surrounding properties.
  - d. For lands under Williamson Act contract, the use is compatible with the provisions of California Government Code Section 51200 et seq.
- E. Parcels that do not meet the above acreage criteria but have over 40 acres of grazing land and have agricultural zoning, may qualify for Ranch Marketing activities with an Administrative Permit. For those parcels under 40 acres with agricultural zoning, a Minor or Conditional Use Permit shall be required. (See Table 130.44.106.1: Ranch Marketing Uses for Agricultural Grazing Lands, above in this Section).

Section 8. Section 130.44.108 of the El Dorado County Ordinance Code entitled "Enforcement" is hereby amended as follows:

**Section 130.44.108 – Enforcement**

- A. Any violation of this Chapter is subject to enforcement under Chapter 9.02, except that, notwithstanding Section 9.02.210, a violation of this Chapter may be a misdemeanor and the fine assesses for each Notice and Order issued for the same violation shall be as follows:
  1. First violation: \$250.
  2. Second violation: \$500
  3. Third or subsequent violation: \$1,000.
- B. The County may recover the costs of abatement incurred by the County in its code enforcement efforts, including administrative fines or fees, under Section 9.02.090.
- C. All fines or costs collected under this Chapter shall be deposited into the General Fund and used for costs related to enforcement and administration of this Chapter.
- D. Suspension for Repeat Violations. If an operator of a ranch marketing area has received three substantiated violations or more occurring on separate dates related to a violation of Subsection 130.44.102.C ("Special Events Generally") within any eighteen (18) month period, then the County shall revoke any

associated administrative permit that authorized the operator to hold special events, and that person will be ineligible to submit an application for an administrative permit to hold special events for six (6) months after the date of the last violation. For purposes of determining whether a substantiated violation occurred within an eighteen (18) month period, that period is calculated from the date of violation and not the date that the Notice and Order is substantiated and includes any violation that occurred on a date after the effective date of Ordinance No. 5177 and before the effective date of the Ordinance amending this Subsection. Any subsequent substantiated violation of this paragraph will extend that six (6) month period for an additional six (6) months. The County may enforce any violation of this paragraph as a public nuisance and may take all reasonable actions consistent with law to abate that public nuisance, including injunctive relief. For purposes of this paragraph, *substantiated violation* means the operator of the ranch marketing area received a Notice and Order under Chapter 9.02 and either did not contest such violation or filed a timely appeal and the violation in the Notice and Order was upheld by the administrative hearing officer. A *substantiated violation* does not include a complaint that did not result in a substantiated violation, nor does it include a violation that led to a Notice and Order that was withdrawn by both parties due to compliance.

Section 9. Table 130.50.030.A of the El Dorado County Ordinance Code entitled “Review Authority” is hereby amended as follows:

Type of Application	Citation	Director	Zoning Administrator	Planning Commission	Board of Supervisors
Administrative Permit	130.52.010	Issue <sup>4</sup>	—	Appeal <sup>5</sup>	Appeal
Minor Use Permit	130.52.020	Recommend <sup>1</sup>	Decide	Appeal	Appeal
Conditional Use Permit	130.52.021	Recommend <sup>1</sup>	Decide <sup>2</sup>	Decide	Appeal
Design Review Permit	130.52.030	Decide/ Recommend	—	Decide	Appeal
Development Agreement	130.58.030	—	—	Recommend	Decide
Development Plan Permit	130.52.040	Recommend	—	Decide	Appeal
Revisions to an Approved Permit or Authorization <sup>3</sup>	130.54.070	Decide	Decide	Decide/ Appeal	Appeal

Specific Plan	130.56.020	—	—	Recommend	Decide
Temporary Mobile Home Permit	130.52.050	Issue	—	Appeal	Appeal
Temporary Use Permit	130.52.060	Decide	—	Appeal	Appeal
Variance	130.52.070	—	Decide	Appeal	Appeal

**NOTES:**

<sup>1</sup> The review authority will consider a discretionary application and make a recommendation for decision to a higher review authority.

<sup>2</sup> Where two deciding review authorities are indicated, such as for Conditional Use Permits, the review authority of original jurisdiction will be determined by the complexity of the project.

<sup>3</sup> Revisions to an approved project shall be decided by the review authority of original jurisdiction.

<sup>4</sup> Administrative relief and waivers of agricultural setbacks beyond the scope of the Director's authority are referred to the Ag Commission for consideration and approval. The Ag Commission decision may be appealed to the Board. Administrative Permits issued under Chapter 130.44 (Ranch Marketing) and for special events issued under Section 130.40.400 (Wineries) are reviewed by the Agricultural Commissioner consistent with Section 130.52.010.

<sup>5</sup> The Ag Commission serves as the appeal body for decisions of the Agricultural Commissioner on Administrative Permits issued under Chapter 130.44 (Ranch Marketing).

Section 10. Section 130.52.010 of the El Dorado County Ordinance Code entitled “Administrative Permit, Relief, or Waiver” is hereby amended as follows:

**Sec. 130.52.010 Administrative Permit, Relief, or Waiver.**

An Administrative Permit is required in cases where limited review of a proposed structure or use through the site plan review process is necessary to verify compliance with established standards adopted to ensure compatibility with adjacent uses and availability of public services and infrastructure. The Administrative Permit shall also be used for the processing of administrative relief or waiver requests in compliance with Subsection B (Administrative Relief of Waiver) below in this Section or to establish the legal nonconforming status of a use or structure in compliance with Chapter 130.61 (Nonconforming Uses, Structures, and Lots) in Article 6 (Zoning Ordinance Administration) of this Title.

The issuance of an Administrative Permit shall be a ministerial project pursuant to the California Environmental Quality Act (CEQA).

**A. Administrative Permit.**

1. Review Authority and Procedure. The Director shall be the review authority of original jurisdiction for Administrative Permits, except that the Agricultural Commissioner shall be the review authority of original jurisdiction for



Administrative Permits issued under Chapter 130.44 (Ranch Marketing) and for Administrative Permits for special events issued under Section 130.40.400 (Wineries). The Agricultural Commissioner shall have all the powers of the Director regarding the review of Administrative Permits and shall comply with all provisions of this Title and this Code that the Director would have to comply with, and all references to the "Director" or "Department" in this Title regarding the review of Administrative Permits shall include the Agricultural Commissioner or the County Agricultural Department, as applicable. The procedure shall be staff-level without public notice, except where Specific Use Regulations in Article 4 (Specific Use Regulations) of this Title provide for public notice.

2. Standards for Approval. An Administrative Permit shall comply with the following standards:
  - a. The structure(s) or use(s) are in compliance with the applicable zone provisions, standards or requirements of this Title, any applicable specific plans, or any other regulations adopted by the County through ordinance or resolution; and
  - b. The structure(s) and use(s) are in compliance with requirements and conditions of previously approved entitlements, such as Minor and Conditional Use Permits, or variances, if applicable.

B. Administrative Relief or Waiver.

1. Review Authority and Procedure. The Director shall be the review authority of original jurisdiction. The procedure shall be staff-level with public notice as described below. The Director may grant administrative relief or waiver from the standards set forth in this Title of up to the limits set forth in the applicable sections, or ten percent of the area or dimension, whichever is greater, subject to the following procedures:
  - a. After submittal of a complete application, the Department shall notify all adjacent property owners by mail of the proposed request;
  - b. A period of ten working days shall be provided to the adjacent property owners to comment on the proposed request;
  - c. If an objection is received during the comment period, the Director shall not approve the proposed request, and elevate the review to the Zoning Administrator or Commission;
2. Administrative relief or waiver requests may be approved if in compliance with the following standards:
  - a. The proposed reduction does not exceed the limits set forth in this Chapter;
  - b. There are no objections from any adjacent property owner; and
  - c. The proposed relief will not be detrimental to the public health, safety, and welfare, or injurious to the neighborhood.

3. A Variance application shall be required for consideration of a reduction in development standards if any of the standards for administrative relief or waiver set forth in Subsection B.2, above in this Section, cannot be met.
4. Administrative relief and waivers of agricultural setbacks beyond the scope of the Director's authority are referred to the Ag Commission for consideration and approval. The Ag Commission decision may be appealed to the Board.

#### Section 11. CEQA

In 2015, the Board of Supervisors certified the Final Environmental Impact Report (Final EIR) (State Clearinghouse No. 2012052074) for the El Dorado County (County) Targeted General Plan Amendments & Zoning Ordinance Update (TGPA-ZOU) Project. Under CEQA Guidelines section 15164, the County must prepare an addendum to a previously certified Environmental Impact Report (EIR) if some changes or additions are necessary but none of the conditions described in CEQA Guidelines section 15162 that require the preparation of a subsequent EIR have occurred.

After a review, staff determined that a CEQA Addendum is the appropriate level of environmental review for the amendments to the Ranch Marketing and Winery Ordinances because the amendments would not result in any new or more severe impacts than those previously analyzed in the 2015 TGPA-ZOU Project EIR. The CEQA Addendum, together with the 2015 TGPA-ZOU Project EIR, will be utilized by the County as the environmental compliance for the Title 130 Zoning Ordinance Amendments in accordance with Sections 15162 and 15164 of the CEQA Guidelines.

#### Section 12. Effective Date

Pursuant to California Government Code section 25123, this ordinance shall become effective thirty (30) days from the date of final passage by the Board of Supervisors.

PASSED AND ADOPTED by the Board of Supervisors of the County of El Dorado at a regular meeting of said Board, held on the \_\_\_\_\_ day of \_\_\_\_\_, 2020, by the following vote of said Board:

**ATTEST**

Ayes:

**Kim Dawson**

Clerk of the Board of Supervisors

By \_\_\_\_\_

\_\_\_\_\_

Deputy Clerk

Noes:

Absent:

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Chair, Board of Supervisors

**APPROVED AS TO FORM**  
**DAVID LIVINGSTON**  
**COUNTY COUNSEL**

By: \_\_\_\_\_

Daniel S. Vandekoolwyk  
Deputy County Counsel