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

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

**THE BOARD OF SUPERVISORS OF THE COUNTY OF EL DORADO DOES  
ORDAIN AS FOLLOWS:**

Section 1. Section 130.10.030 of the El Dorado County Ordinance Code entitled  
"Responsibility for Administration" is hereby amended as follows:

**Sec. 130.10.030 Responsibility for Administration.**

A. Responsible Bodies and Individuals. This Title shall be administered by:

1. The El Dorado County Board of Supervisors, hereafter referred to as the Board;
2. The Planning Commission, hereafter referred to as the Commission;
3. The County Zoning Administrator, hereafter referred to as the Zoning Administrator;
4. The County Agricultural Commission, hereafter referred to as the Ag Commission;
5. The County Agricultural Commissioner, hereafter referred to as the Agricultural Commissioner.

56. The Director of the Planning and Building Department or designee, hereafter referred to as the Director; and

67. The Planning and Building Department hereafter referred to as the Department.

B. Advisory Committees. The Board may appoint Advisory Committees to review design review applications, or provide input on other issues of concern to the Board or the Commission. These Advisory Committees include, but are not necessarily limited to, the following:

1. Cameron Park Design Review Committee.
2. El Dorado Hills Design Review Committee.

3. Pollock Pines Design Review Committee.
  4. Community & Economic Development Advisory Committee ("CEDAC").
  5. Diamond Springs-El Dorado Community Advisory Committee.
  6. Meyers Area Plan Advisory Committee.
- C. Responsibility and Authority of the Director. The duties and responsibilities of the Director are those enumerated in Article 6 (Zoning Ordinance Administration) of this Title, in this Title and in other Titles of the County Code of Ordinances. Whenever this Title refers to the Director, it is expressly understood to include Department staff acting under the direction and control of the Director, and whenever this Title refers to the Department it is expressly understood to describe Department staff acting under the direction and control of the Director.
- D. Rules of Application. This Title shall be applied in the following manner:
1. Minimum Requirements. The provisions of this Title shall be deemed to be the minimum standards unless stated otherwise (for example, maximum building height or maximum density). These standards shall apply to all buildings, structures and uses, except where this Title provides for the exercise of discretion or where a Variance is granted.
  2. Conflicting Provisions. If conflicts occur between different requirements of this Title, or between provisions of this Title and requirements imposed by other provisions of the County Code of Ordinances or other laws, and regulations adopted by the County, the more stringent development requirement or greater restriction on the use of land or buildings shall apply.
  3. Single Lot Containing Multiple Zones. Where the boundaries of the zone designation are not coterminous with the property line boundaries, a single lot will contain multiple zones. In that event, the County shall first determine if the zone boundary appears to be the result of a mapping error. In that case, the mapping error shall be resolved as provided in Subsection D.5 (Map Corrections) below in this Section.  

Where the County determines that a mapping error has not occurred, the uses of the lot shall be consistent with the zone as shown for the portion of the lot on which the use is proposed. Multiple uses of a lot with multiple zones are expressly allowed consistent with the requirements of each zone. The precise location of the uses may be modified by a planned development or specific plan. Any uncertainty as to the boundaries of each zone within the lot shall be determined pursuant to Subsection D.4 (Map Boundaries) below in this Section.
  4. Map Boundaries. Where the boundaries of any zone shown on the zoning maps are uncertain, the following rules shall apply to resolve the uncertainty:
    - a. Where a zone boundary approximately follows a lot line, or road or street, such lot line or the centerline of the road or street shall be construed to be the boundary.

- b. Where a zone boundary approximately follows a stream or river, ridge line or other distinct geographic or topographic feature, such stream or geographic feature shall be construed to be the boundary.
  - c. If a zone divides a lot, and the boundary line location is not otherwise designated, the location of the boundary shall be determined by the use of the scale appearing on the zoning map.
5. Map Corrections. Where a zone boundary appears to be in error, the Director may make the correction based on historical data, prior zoning maps, clear legislative intent, and other available information. Where the record is unclear, the zoning shall be reviewed by the Commission to determine if the map is in error. If, after review of the record, the Commission finds that the map is in error, they shall direct the Director to correct said error by revising the official maps accordingly within 30 days of the Commission's review.

Section 2. Table 130.21.020 “Agricultural, Rural, and Resource Zone Districts Use Matrix” of Title 130 (Zoning), as amended by Ordinance No. 5168, is hereby amended to read:

LA: Limited Agricultural PA: Planned Agricultural AG: Agricultural Grazing RL: Rural Lands FR: Forest Resource TPZ: Timber Production Zone	P A TUP CUP MUP TMA --	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) Temporary mobile home permit (130.52.050) Use not allowed in zone					
USE TYPE	LA	PA	AG	RL	FR	TPZ	Specific Use Reg.
<b>Agricultural</b>							
Animal Raising and Keeping	P	P	P	P	P	P	130.40.080
Accessory Structures	P	P	P	P	P	P	130.40.030
Crop Production	P	P	P	P	P	—	
Dairy	P	P	P	P	P	—	
Grazing	P	P	P	P	P	P	
Livestock, high density	CUP	CUP	CUP	CUP	—	—	
Nursery, Plants: Production and Wholesale	P	P	P	P	CUP	CUP	
Orchards and Vineyards	P	P	P	P	P	—	

Processing of Agricultural products	P	P	P	CUP	CUP	CUP		
Produce Sales:							130.40.240	
Sale of Produce Grown On-site	P	P	P	P	P	—		
Sale of Produce Grown Off-site	A	A	A	A	A	—		
Timber	P	P	P	p <sup>1</sup>	p <sup>1</sup>	p <sup>1</sup>		
Hemp Cultivation	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	—	—		
<b>Agricultural Support Services</b>								
Packing of On-site and Off-site Agricultural Products	P	P	P	P	P	P		
Slaughterhouse or Rendering Plant	—	CUP	CUP	—	—	—		
Agriculture, Value-added Processing	P	P	P	P	P	—		
Custom Farm Services	CUP	CUP	CUP	CUP	CUP	—		
Animal, Domestic Farm: Sales	P	P	P	P	P	—		
Farm Machinery & Equipment; Sales and Maintenance	CUP	CUP	CUP	CUP	CUP	—		
Feed and Farm Supply Store	CUP	CUP	CUP	CUP	CUP	—		
Nursery, Plant Production Plus	CUP	A	A	CUP	CUP	—		
Ranch Marketing	See Table <del>130.44.102.1</del> <u>130.40.260.1</u> (Ranch Marketing Use Matrix)							130.4 <u>40.260</u>
Wholesale Storage and Distribution (Agricultural Products)	CUP	CUP	CUP	CUP	CUP	—		
Wineries	See Table 130.40.400.1 (Wineries Allowed Uses Matrix)							130.40.400
<b>Residential</b>								
Child Day Care Home:							130.40.110	
Small Family Day Care Home	P	P	P	P	P	—		
Large Family Day Care Home	CUP	A	A	A	A	—		
Community Care Facility:								
Small (serving 6 or fewer)	—	—	—	P	—	—		

Large (serving 7 or more)	—	—	—	CUP	—	—	
Dwelling: Single-unit, Detached	P	P	P	P	P	CUP	130.40.350
Temporary During Construction	P	P	P	P	P	TUP	130.40.190
Employee Housing: Agricultural 6 or Fewer Employees	P	P	P	P	P	—	130.40.120
Agricultural up to 36 Beds or 12 Units in Compliance with Standards	MUP	MUP	MUP	MUP	MUP	—	130.40.120
Agricultural Not in Compliance with Standards	CUP	CUP	CUP	CUP	CUP	—	130.40.120
Construction	—	—	TUP	TUP	TUP	—	130.40.190
Seasonal Worker	—	—	A	A	A	—	130.40.120
Seasonal Workers Not in Compliance with Standards	—	—	CUP	CUP	CUP	—	130.40.120
Guest House	P	P	P	P	P	—	130.40.150
Temporary Mobile Home	TMA	TMA	TMA	TMA	TMA	—	130.40.190
Kennel, Private <sup>2</sup>	P	P	P	P	P	—	
Room Rental: One Bedroom, Only	P	P	P	P	P	—	
Accessory Dwelling Unit	P	P	P	P	P	CUP <sup>6</sup>	130.40.060, 130.40.300
<b>Commercial</b>							
Animal Sales and Service Kennel, Commercial	CUP	CUP	CUP	CUP	CUP	—	
Pet Grooming and Pet Stores	CUP	CUP	CUP	CUP	CUP	—	
Veterinary Clinic	—	CUP	CUP	CUP	CUP	—	130.40.070
Breweries, Micro	CUP	CUP	CUP	CUP	CUP	—	
Commercial Cannabis	Commercial Cannabis Use Permit required (See Article 4 - Special Use Regulations - Chapter 130.41 - Commercial Cannabis)				—	—	
Commercial Kitchen	CUP <sup>4</sup>	CUP <sup>4</sup>	CUP	CUP	CUP	—	130.4 <del>40.260</del> 130.40.400

Contractor's Office	TUP	TUP	TUP	TUP	TUP	—	130.40.190
Dining Facilities	CUP	CUP	CUP	CUP	CUP	—	
Distillery	CUP	CUP	CUP	CUP	CUP	—	
Feed and Farm Supply Store	CUP	CUP	CUP	CUP	CUP	—	
Fuel Sales	—	—	—	—	CUP <sup>5</sup>	CUP <sup>5</sup>	
Home Occupation	See Table 130.40.160.1 (Home Occupation Use Matrix)					—	130.40.160
Lodging Facilities: Agricultural Lodging	See Table 130.40.170.1 (Agricultural Lodging)						130.40.170
Bed and Breakfast Inn	CUP	CUP	CUP	CUP	CUP	—	
Health Resort and Retreat Center	—	CUP	CUP	CUP	CUP	CUP	
Nursery, Plants: Commercial Retail	CUP	CUP	CUP	CUP	CUP	—	130.40.220
Outdoor Retail Sales: Garage Sales	P	P	P	P	P	—	130.40.220
Temporary Outdoor	A/TUP	A/TUP	A/TUP	A/TUP	—	—	
Permanent	CUP	CUP	CUP	CUP	CUP	CUP	
<b>Industrial</b>							
Industrial: General	—	—	—	—	CUP	—	
Mineral Exploration, and Mining	See Table 130.29.070.1 (Mineral Exploration and Mining)						
Storage Yard: Equipment and Material Permanent	P	P	P	P	P	P	130.40.320.C
Temporary	TUP	TUP	TUP	TUP	TUP	TUP	
<b>Recreation and Open Space</b>							
Campground	CUP	CUP	CUP	CUP	CUP	CUP	130.40.100
Golf Course	—	—	—	CUP	—	—	
Hiking and Equestrian Trail	P	P	P	P	P	P	
Hunting/Fishing Club or Farm	A	P	P	P	P	P	130.40.210.D
Hunting/Fishing Club or Farm Facility	CUP	CUP	CUP	CUP	CUP	CUP	130.40.170.B
Marina: Non-motorized Craft	—	CUP	CUP	CUP	CUP	CUP	
Off-Highway or Off-Road Vehicle Recreation Area	—	—	—	—	CUP	—	
Park, day use	—	—	—	CUP	CUP	—	130.40.210
Picnic Area	P	P	P	P	P	P	

Resource Protection and Restoration	P	P	P	P	P	P	
Ski Area	—	—	—	CUP	CUP	—	130.40.210
Snow Play Area	—	—	—	CUP	CUP	CUP	
Special Events, Temporary	TUP	TUP	TUP	TUP	TUP	TUP	
Stable: Commercial	CUP	CUP	CUP	CUP	CUP	CUP	130.40.210
Trail Head Parking or Staging Area	CUP	CUP	CUP	CUP	CUP	CUP	130.40.210
<b>Civic Uses</b>							
Cemetery	—	—	CUP	CUP	CUP	—	
Churches and Community Assembly	—	—	—	CUP	CUP	—	
Community Services: Intensive	CUP	CUP	CUP	CUP	CUP	—	
Minor	CUP	CUP	CUP	CUP	CUP	—	
Schools: College and University	—	—	—	CUP	—	—	130.40.230
Elementary and Secondary, Private	—	—	—	CUP	—	—	
<b>Transportation</b>							
Airports, Airstrips, and Heliports	CUP	CUP	CUP	CUP	CUP	CUP	
<b>Utility and Communication</b>							
Communication Facilities	A/CUP	A/CUP	A/CUP	A/CUP	A/CUP	CUP	130.40.130
Public Utility Service Facilities: Minor	—	CUP	CUP	CUP	CUP	CUP	130.40.250
Minor	P	P	P	P	P	P	
Wind Energy Conversion System	See Table 130.40.390.1 (WECS Use Matrix)						130.40.390
<b>NOTES:</b>							
<sup>1</sup> In FR and TPZ only, logging camps and sawmills may be allowed by CUP.							
<sup>2</sup> Dogs used for herding or guardian purposes in commercial ranching or browsing operations are allowed by right subject to licensing requirements of the County Animal Services Division in compliance with Title 6 (Animals).							
<sup>3</sup> Subject to the issuance of an Administrative Permit, unless otherwise specified in Section 130.40.220 (Outdoor Retail Sales) in Article 4 (Specific Use Regulations) of this Title.							
<sup>4</sup> Or as permitted in Section 130.40.400 (Wineries) or <del>Section 130.40.260</del> <a href="#">Chapter 130.44</a> (Ranch Marketing) in Article 4 (Specific Use Regulations) of this Title.							
<sup>5</sup> Accessory to Off-highway or off road vehicle recreational uses.							
<sup>6</sup> Accessory Dwelling Unit allowed by right with CUP for primary dwelling unit.							

<sup>7</sup> Cultivation of industrial hemp allowed pursuant to a license issued under Chapter 130.43 of this Title.

Section 3. Section 130.37.070 of the El Dorado County Ordinance Code entitled “Noise Reduction Measures” is hereby amended as follows:

**Sec. 130.37.070 Noise Reduction Measures.**

Noise reduction measures shall be incorporated into the project design to reduce noise levels at or below the thresholds set forth in Tables in Section 130.37.060 (Noise Standards) above in this Chapter. Where applicable, the following specific requirements shall also apply:

- A. To meet noise threshold standards under Table 130.37.060.2 (Noise Level Standards for Noise-Sensitive Land Uses Affected by Transportation Noise Sources) above in this Chapter, where feasible, setbacks shall be the preferred method of noise abatement for residential projects located along U.S. Highway 50. Noise walls shall be discouraged within the foreground viewshed of U.S. Highway 50 and shall be discouraged in favor of less intrusive noise mitigation (e.g., landscaped berms, setbacks) along other high volume roadways.
- B. For outdoor concerts and events utilizing amplified sound system(s), a discretionary permit shall be required in the form of a Temporary or Conditional Use Permit, except for special events and marketing events that are allowed by right or with an administrative permit consistent with Chapter 130.44 (Ranch Marketing) or 130.40.400 (Wineries). Self-monitoring shall be performed to insure that sound system levels are in compliance with those specified in the conditions of approval based on the acoustic analysis. As a standard condition of approval for such use permits, failure to comply with sound system levels shall result in termination of the event for the duration of the period approved under the use permit and a moratorium on future events for the applicant or the property owner of two calendar years from the date of non-compliance. A second violation after such time shall result in revocation of the Conditional Use Permit, if applicable, and a permanent moratorium on future events for the applicant and property owner whether on that site or any other within the County.

Section 4. Section 130.40.260 of the El Dorado County Ordinance Code entitled “Produce Sales” is hereby amended to read as follows:

**Sec. 130.40.240 Produce Sales.**

- A. **Applicability.** The standards set forth in this Section shall apply to produce sales, as defined in Article 8 (Glossary: see "Produce Sales") of this Title, where allowed in the use matrices for the zones.
- B. **General Standards.** Sale of produce grown on-site shall be subject to the following:



1. Sales may occur on-site subject to adequate off-road and/or road frontage parking.
2. One produce stand, as defined in Article 8 (Glossary: see "Produce Stand") of this Title, may be used subject to the following requirements:
  - a. The stand shall measure 200 square feet or less in size and be situated a minimum of 50 feet from the nearest side or rear property line.
  - b. An encroachment permit shall be secured from the Department of Transportation if the produce stand is accessed from a County road.
  - c. Parking requirements shall be in compliance with Table 130.35.030.1 (Schedule of Off-Street Vehicle Parking Requirements) in Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title. The parking area shall meet minimum setback standards for the zone and shall be designed to prevent vehicles from backing into the roadway. Said parking area may be of gravel or dirt surface, but dust control measures shall be implemented as needed to comply with Air Pollution Control District standards.
- C. Value-added Agricultural Products. Value-added agricultural products, as defined in Article 8 (Glossary: see "Agriculture, Value-added Product") of this Title, created from products grown on-site, may be sold concurrently with agricultural products on-site. Products shall comply with all local, and state and federal laws and regulations.
- D. Off-site Sales. No direct sales of produce grown off-site or of any other merchandise, including wholesale or retail nursery products, shall be allowed by right. Off-site produce sales, when in conjunction with a shared multi-farm produce stand, may be allowed subject to approval of a Minor Use Permit (See Section 130.52.020: Minor Use Permits) in Article 5 (Planning Permit Processing) of this Title.
- E. Ranch Marketing. Produce sales in excess of the requirements of this Section, shall be subject to ~~Section 130.40.260~~Chapter 130.44 (Ranch Marketing) below in this ~~Chapter~~Article.

Section 5. Section 130.40.260 of the El Dorado County Ordinance Code entitled "Ranch Marketing" is hereby amended in its entirety to read as follows:

**Sec. 130.40.260 [Reserved]**

Section 6. 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~~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 determine and verify whether the vineyard is in compliance with this paragraph consistent with Subsection G.1. (Commercial Vineyard) below as determined and verified by the Agricultural Commissioner.

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**

<b>LA: Limited Agricultural</b> <b>PA: Planned Agricultural</b> <b>AG: Agricultural Grazing</b> <b>RL: Rural Lands</b> <b>RE: Estate Residential</b>	<b>A</b> <b>MUP</b> <b>P</b> <b>CUP</b> <b>TUP</b> <b>--</b>	<b>Administrative Permit (Section 130.52.010)</b> <b>Minor Use Permit (Section 130.52.020)</b> <b>Allowed use</b> <b>Conditional Use Permit required (Section 130.52.021)</b> <b>Temporary Use Permit (Section 130.52.060)</b> <b>Use not allowed in zone</b>				
<b>USE</b>	<b>PERMIT REQUIRED BY ZONE</b>					
	<b>AG &amp; PA</b> <b>20+ Acres</b>	<b>PA &amp; LA</b> <b>10+ Acres;</b> <b>In Ag District</b>	<b>PA</b> <b>10—19.9 Acres;</b> <b>Out of Ag District</b>	<b>RE-10 &amp; RL</b> <b>10+ Acres;</b> <b>In Ag District</b>	<b>RE-10 &amp; RL</b> <b>10+ Acres;</b> <b>Out of Ag District</b>	<b>LA</b> <b>10+ Acres;</b> <b>Out of Ag District</b>
<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	P	P	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
Distilleries						
Large Commercial	CUP	CUP	CUP	CUP	CUP	CUP
Craft	CUP	CUP	CUP	CUP	CUP	CUP
Lodging						
Agricultural Homestays	See Table 130.40.170.1 (Agricultural Lodging)					
Agricultural & 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
<u>Concerts or other outdoor amplified music or voice</u> <del>Music Festivals &amp; Concerts</del>	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP	TUP/ CUP
<u>Room Rental Events</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>

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.

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 f (Charitable Events) below, special events are limited to a total of forty-eight (48) days per calendar year. Special events that have, or are planned to have, 1-up to 250 persons in less than 50 persons at one time shall attendance shall not count against the total number of events allowed. A winery owner may only hold one (1) special event per calendar day. If a special event is intended to last more than one (1) calendar day, the winery owner shall submit separate notices for each day pursuant to Subsection f (Advance Notice) below, and each event will be included in the forty-eight (48) event limit calculated under this Subsection. Facility rental events are a type of special event where the ~~property~~ winery 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 allowed, but are further limited to the following:
      - (1) Lots less than 20 acres in size: 12 days per calendar year.
      - (2) Lots 20 acres or more in size: 24 days per calendar year.
    - b. Capacity Limitation. All special events are limited to two hundred and fifty (250) persons at one time. The winery owner shall ensure that the special event does not exceed the maximum capacity of two hundred and fifty (250) persons at one time.
    - c. 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 by right under ~~Section Subsection 130.40.260.F.1.e (Special Events Ranch Marketing) or via an administrative permit consistent with Subsection 130.40.260.F.2.c above in this Chapter~~ Chapter 130.44 (Ranch Marketing).

- d. 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 ~~Those special events, such as fundraisers, concerts, or other special functions where the number of attendees will~~ exceed two hundred and fifty (250) persons at any given time.
  - (2) The winery owner has been issued no more than three (3) Temporary Use Permits for that property ~~and where such events are held no greater than three times 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 events under this Subsection per calendar month. ~~and no more than one time per calendar month, may be allowed by Temporary Use Permit in compliance with Section 130.52.060 (Temporary Use Permit) in Article 5 (Planning Permit Processing) of this Title.~~
- e. 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 130.51.021 (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 one-hundred and fifty (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.
- f. Advance Notice.
- (1) The winery owner shall notify the Agricultural Commissioner, on a form prescribed by the Agricultural Commissioner, no later fourteen (14) days in advance of each special event held under this Section. Notwithstanding the fourteen (14) day period in the previous sentence, the winery owner 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 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 (2) hours before and one (1) hour after the event.
  - (5) 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, trash, or parking.
  - (6) The Designated Local Contact shall log all complaints received from the public in a complaint log, including any action taken in response, and provide that complaint log to the Agricultural Commissioner within 7 calendar days after the event.
  - (7) A failure to comply with this Subsection f (Advance Notice) constitutes a violation subject to enforcement under Subsection J (Enforcement) below.
- g. Charitable Events. The winery owner 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 Section applicable to special events, including Subsection 3.f (Advance Notice), 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 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 (3) 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 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 winery.
45. 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.
56. 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 130.51.021 (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.
67. 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.
78. Museum. Agriculture-related museums shall be accessory to a winery and tasting room and shall primarily display items from California's agricultural history.
89. Picnic Areas. Picnic areas shall be subordinate to the winery and tasting room.
910. 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.
1011. 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 130.51.021 (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 130.51.021 (Conditional Use Permits) in Article 5 (Planning Permit Processing) of this Title. For purposes of this Subsection, noncompatible shall be RM, R1, 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 twenty-four (24) hours, inspect a winery to determine whether ~~Should~~ 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 thirty (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 ~~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 (5) 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 right to operate the winery and all accessory uses shall immediately cease until such time as the required five (5) 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 thirty (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 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 any and all objections to the Agricultural Commissioner or the Ag Commission's determination.

~~A determination by the Agricultural Commissioner may be appealed to the Ag Commission whose decision shall be final.~~

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 non-residential zones: 50 feet from all property lines.
  - b. Adjacent to residential zones: 200 feet from all property lines.
  - c. The 200 foot setback in 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~~-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 130.51.021 (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**

Lot on which the Winery is Located	Maximum Allowable Winery Building size
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 p.m. and 10 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 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**

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

- 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.e (Special Events) is subject to enforcement under Chapter 9.02, except that, notwithstanding Section 9.02.210, a violation of Subsection E.3.e (Special Events) is 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. If a winery owner has received three substantiated violations or more occurring on separate dates related to a violation of Subsection E.3.e (Special Events) within any eighteen (18) month period, then the County may suspend the ability of the winery to be used for any special events authorized by Subsection E.3.e (Special Events), for six (6) months after the date of the last violation. 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 8.03 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 7. Chapter 130.44, entitled "Ranch Marketing," is hereby added to Title 130 (Zoning) of the El Dorado County Ordinance Code as follows:

**Chapter 130.44 – Ranch Marketing**

**Section 130.44.100 – Definitions**

As used in this Chapter:

A. -Accessory use means a use that is customarily associated with the primary agricultural use of the land, consistent with as defined in Article 8 (Glossary) of this Title. This includes, but is not limited to, picnic areas, public tours, hay mazes, pony rides, tractor rides, and fishing ponds.

A.B. Agricultural Commissioner means the County Agricultural Commissioner.

B.C. "Bake Shop" means a facility for the preparation and consumption of food items in which agriculture products grown on-site are used as a main ingredient for at least one of the baked goods (i.e. pies, turnovers, and other pastries.) Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on-site.

C.D. "Choose and Cut Tree Sales" shall means a commercial operation where that the public is allowed on a site where evergreen trees are grown in order to personally select a specimen, cut it, and transport it off-site for their use as a Christmas tree.

E. "Christmas Tree Season" is the time period beginning November 1 and ending on Christmas Day.

F. 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.

G. 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.

H. Director means the Director of the Planning and Building Department as described in Section 130.10.030.

D.I. Environmental Management means the El Dorado County Environmental Management Department.

E.J. "Food Stand" means a food-serving facility used in conjunction with a ranch marketing operation serving prepared food from products grown on-site or off-site and for which indoor seating is not provided.

K. "Harvest Season" means the time period in which the primary crop(s) is harvested on-site and in which certain ranch marketing activities associated with

that crop may occur by right consistent with Subsection 130.44.104.B (Ranch Marketing Uses) below, otherwise an administrative permit is required for these activities consistent with Subsection 130.44.104.C (Ranch Marketing Uses for Crop Production: Uses Requiring an Administrative Permit) or Subsection 130.44.106.C (Ranch Marketing Provisions for Agricultural Grazing Lands: Uses Requiring an Administrative Permit), below. The season shall begin with the first day of the month in which the crop is harvested and conclude with the last sale of the primary crop(s) harvested that season.

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

~~F.~~M. *Marketing activities* means activities sponsored by the operator of the ranch marketing area that are intended for the promotion and sale of the operator's products. These activities include live music, catered food, food prepared on the premises, releases, discounted sales, or other similar activities.

~~G.~~N. *"Minimum Cropland Area"* shall means the minimum required area planted and maintained in crop production, as defined in Article 8 (Glossary) of this Title, for the production of a commercial crop using standard horticultural practices with regard to irrigation, plant spacing, pruning, and pest and predator control.

~~H.~~O. *Operator of the ranch marketing area* means the person who is listed as owner of the parcel used for ranch marketing activities on the last equalized assessment roll. If the operator of the ranch marketing area is not the person listed as the owner of the parcel, then that person must provide to the Agricultural Commissioner written consent from the owner of the parcel that the parcel may be used for ranch marketing activities.

~~I.~~P. *"Properly Maintained"* shall means that the planted crops 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.

~~J.~~Q. *Ranch Marketing Activities* has the same meaning as "Ranch Marketing (Use Type)" as defined in Section 130.80.010.

R. *"Ranch Marketing Area"* shall means an area used for ranch marketing activities, not including land planted in cropland, and packing and storage facilities, unless those areas are also used for accessory ranch marketing activities as set forth in Section 130.44.102 (General Standards) and Section 130.44.103 (Development Standards)Subsections D and E (General Standards, and Development Standards, respectively) below in this SectionChapter.

~~K.~~S. *Room rental event* means an event that involves the operator of the ranch marketing area renting or donating a portion of the ranch marketing area or related facilities for hire that is held indoors.

~~L.~~T. *"Special Events"* shall mean events such as ~~as~~ has the same meaning as defined in Article 8 (Glossary) of this Title, and includes ~~as~~ charitable events, promotional events, and facility rental events, ~~where more than 50 persons are in attendance, subject to.~~ Special events shall comply with the limitations set forth in Subsection~~F.1.e~~ (Ranch Marketing Uses: Special Events) below in this Section 130.44.102.C (Special Events Generally) and Subsection 130.44.104.B.5 (Ranch



Marketing Uses for Crop Production: Special Events~~Subsection 130.44.104.B.5 (Ranch Marketing Uses for Crop Production; Special Events)~~. Facility rental events involve the ranch marketing area, or portions thereof, being rented or donated for weddings, parties, company picnics, and similar social gatherings.

### **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 ~~Section~~Chapter shall apply to ranch marketing uses,~~as defined in Article 8 (Glossary: see "Ranch Marketing") of this Title,~~ 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.~~As defined in Subsection C (Definitions: See "Minimum Cropland Area" below in this Section):~~
    - a. Except as provided in Subsection 2.d below, the acreage shall comply with either of the following:
      - (1) Five acres of permanent agricultural cropland;~~or,~~
      - ~~(2) —10 acres of annual agricultural cropland in production;~~
    - b. The minimum cropland area shall be properly maintained and cared for to produce a commercial crop,~~as determined by the County Agricultural Commissioner. 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 ~~Section~~Chapter.
    - c. Notwithstanding Subsection 2.a above, A smaller acreage amount may qualify for Ranch Marketing if minimum production standards are met,~~as determined by the Agricultural Commissioner and approved by the Director. The Agricultural Commissioner and the Director may determine whether to allow a smaller acreage amount consistent with this paragraph. The 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 D.2 (General Standards, Maximum Ranch Marketing Area) below in this Section~~Subsection 130.44.102.B (General Standards: Maximum Ranch Marketing Area).
  4. ~~Ranch marketing activities~~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~~be reviewed by,~~ 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 by the Agricultural Commissioner and Ag Commission for compatibility with surrounding agricultural land uses or on agriculturally zoned lands prior to action by the review authority. 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 ~~Section~~ 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 130.44.102 – General Standards**

- A. Concurrency. The uses identified in ~~Subsections F, G, and H (Ranch Marketing Uses for Crop Production; Ranch Marketing Provisions for Christmas Tree Sales; and Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal, respectively))~~ 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 ~~Section~~ 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) ~~Subsection F.1.c (Ranch Marketing Uses: Marketing Activities and Accessory Uses)~~ below in this ~~Section~~ 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 ~~Section~~ Chapter are met.

2. Special events, as provided in Subsection F.1.e (Ranch Marketing Uses: Special Events) Subsection 130.44.104.B.5 (Ranch Marketing Uses for Crop Production: Special Events) below in this Section Chapter may occur at any time, subject to all other provisions of this Section 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.~~40.260~~44.102.1 (Ranch Marketing Use Matrix) below in this Section. Any ranch marketing building, or group of ranch marketing and accessory buildings, exceeding 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" ~~Ranch marketing buildings~~ 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.~~40.260~~44.102.1—Ranch Marketing Use Matrix**

Lot on Which the Ranch Marketing Operation is Located	Maximum Allowable Ranch Marketing Building Area
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. However, special events are only allowed by right if held during harvest season consistent with Subsections 130.44.104.5 (Ranch Marketing Uses; Special Events) or 130.44.106.B.6 (Ranch Marketing Uses on Grazing Lands) below, and an administrative permit is required for a special event occurring outside of the harvest season consistent with Subsection 130.44.104.C (Ranch Marketing Uses for Crop Production; Uses Requiring an Administrative Permit) or Subsection 130.44.106.C (Ranch Marketing Provisions for Agricultural Grazing Lands; Uses Requiring an Administrative Permit) below.
  2. An operator of a ranch marketing area may hold a total of twenty-four (24) special events in a calendar year, subject to the following requirements:
    - a. The total number of special events authorized under this Chapter includes events held during harvest season by right consistent with Subsections 130.44.104.5 (Ranch Marketing Uses; Special Events) and 130.44.106.B.6 (Ranch Marketing

- Uses on Grazing Lands) below, events for which an administrative permit is required consistent with Subsections Subsection 130.44.104.C (Ranch Marketing Uses for Crop Production; Uses Requiring an Administrative Permit) or Subsection 130.44.106.C (Ranch Marketing Provisions for Agricultural Grazing Lands; Uses Requiring an Administrative Permit) below, and events held outside of the Christmas tree season consistent with Subsection 130.44.105.D (Ranch Marketing Provisions for Christmas Tree Sales), below.
- b. Except as provided in 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 below, and each day will be included in the twenty-four (24) event limit calculated 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.C (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 of 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, trash, or parking.

- e. The Designated Local Contact shall log all complaints received from the public in a complaint log, including any action taken in response, and provide that complaint log to the Agricultural Commissioner within seven (7) calendar days after the event.
- f. A failure to comply with this Subsection 6 constitutes a violation subject to enforcement under this Chapter.
- a. \_\_\_\_\_

### **Section 130.44.103 – Development Standards**

Ranch marketing uses shall not be allowed unless they comply with the development standards of the zone and Article 3 (Site Planning and Project Design Standards) of this Title, except as provided below:

- A. Parking.
  - 1. Parking spaces shall be provided on-site for all Ranch Marketing uses, in compliance with Chapter 130.35 (Parking and Loading) in Article 3 (Site Planning and Project Design Standards) of this Title. No on-street parking is allowed on County-maintained roads.
  - 2. Special events may utilize temporary overflow parking areas that are mowed of dried vegetation to a maximum height of two inches.
  - 3. Areas for bus stop and drop off areas shall be provided for any site that has a minimum of 20 parking spaces. Bus stops and drop off areas may be waived if the parking lot is designed to provide a loop or circular path of travel so that the bus can use the parking drive aisle as a temporary bus stop.
- B. Access.
  - 1. A ranch marketing facility-area shall be connected directly to a County-maintained road or state highway, except as provided in Subsections 130.44.104.C (Ranch Marketing Uses for Crop Production; Uses Requiring an Administrative Permit), 130.44.104.D (Ranch Marketing Uses for Crop Production, Uses Requiring a Use Permit), 130.44.106.C (Ranch Marketing Provisions for Agricultural Grazing Lands; Uses Requiring an Administrative Permit), or 130.44.106.C (Ranch Marketing Provisions for Agricultural Grazing Lands, Uses Requiring a Use Permit)~~130.44.104.C.2 (Ranch Marketing Uses for Crop Production; Uses Requiring an Administrative Permit), F.3.f (Uses Requiring a Use Permit), Subsection 130.44.106.C.1 (Ranch Marketing Provisions for Agricultural Grazing Lands; Uses Requiring an Administrative Permit), and H.3.e (Uses Requiring a Conditional Use Permit)~~ below in this Section~~Chapter~~.
  - 2. Access to a facility shall meet Fire Safe/Code Standards. The operator of the ranch marketing area that includes a facility shall ensure that access to the facility meets the minimum fire safe standards or same practical effect, as determined by 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.
- C. Signs. See Chapter 130.36 (Signs) in Article 3 (Site Planning and Project Design Standards) of this Title.

- D. Setbacks. The following minimum setbacks apply to all ranch marketing facilities and outdoor use areas, excluding parking lots and picnic areas:
1. Adjacent to non-residential zones: 50 feet from all property lines.
  2. Adjacent to residential zones: 200 feet from all property lines.
  3. The 200 foot setback in 4.b above 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 Process) of this Title.

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

- A. Table 130.~~40.260.2-44.104.1~~ (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.~~40.260~~44.104.1,2—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)	
		<b>Use not allowed in zone</b>	
		<b>PERMIT REQUIRED BY ZONE</b>	
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	—
<u>Room Rental Event</u>	<u>P</u>	<u>P</u>	
Special	CUP	P/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	—
<u>Concerts or other outdoor amplified music or voice</u> <del>Music festivals &amp; concerts</del>	TUP/CUP	TUP/CUP	—
Picnic area	A	P	—
Petting zoo	MUP	P	—
<b>NOTES:</b>			
<sup>1</sup> <u>Dining facilities may be allowed by right during harvest season consistent with Subsection B.1 (Bake Shops, and Food Stands, and Dining Facilities) below.</u>			

- 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, ~~El Dorado County~~ Environmental Management ~~Department~~, 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~~ 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~~; and~~.
    - 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 ~~such as picnic areas, public tours, hay mazes, pony rides, and tractor rides, and fishing ponds~~, 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. Special Events. Special events, subject to the following limitations:
    - a. Total of twenty-four (24) events per calendar year, consistent with Subsection Section 130.44.102.C.3 (Special Events Generally) above.
    - b. ~~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.~~
    - c. ~~Special events shall be limited in time duration to 48 twenty four (24) hours, and the event site shall be returned to its pre-event condition after each use, unless the next event is within two weeks, or an administrative permit is approved by the Director~~
    - d.b. ~~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) below in this Chapter. The operator of the ranch marketing area complies with Subsection 130.44.102.C (Special Events Generally) above.~~
    - e.c. ~~The special event is held during the harvest season. Special events may be held throughout the year and are not limited to the harvest season. An administrative permit is required for a special event occurring outside of the harvest season consistent with Subsection C (Uses Requiring an Administrative Permit) below.~~
  6. Agricultural Museum. Agriculturally related museums that primarily display items from California's agricultural history.
  7. 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.
- f.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, ~~El Dorado County Environmental Management Department~~, 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 ~~facility~~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. An operator of a ranch marketing area that desires to carry out ranch marketing activities authorized only during the harvest season in Subsection B (Ranch Marketing Uses) above may do so by applying for an Ranch marketing uses (See Section 130.40.260: Ranch Marketing, below in this Chapter), limited to the harvest season, shall be allowed year around by Administrative Permit (See Section 130.52.010: Administrative Permit, Relief, or Waiver) in Article 5 (Planning Permit Processing) of this Title. An operator of a ranch marketing area that applies for an administrative permit for a special event under this paragraph shall comply with the following requirements:
    - a. The special event held outside of the harvest season shall count towards the total twenty-four (24) events allowed on a ranch marketing area in a calendar year, consistent with Subsection 130.44.102.C (Special Events Generally) above.
    - ~~a.b.~~ The operator of the ranch marketing area complies 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~~Special~~ events that exceed the provisions of this Section 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 twenty-four (24) events allowed by right or via an Administrative Permit in a calendar year, consistent with Subsection 130.44.102.C.3 (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 ~~live~~, outdoor amplified music or voice where-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 do not participate in a road maintenance agreement 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 130.44.105 – Ranch Marketing Provisions for Christmas Tree Sales**

The provisions of this ~~Subsection~~ Section apply only to operations whose primary product are Christmas trees and are not in addition to other uses allowed by this ~~Section~~ Chapter. The following ranch marketing provisions shall be allowed ~~where-if~~ Christmas trees are grown on

sites that meet the minimum acreage and planting standards of Subsection A (Applicability) above in this Section:

- A. Choose and cut tree sales, ~~as defined in Subsection C (Definitions: See "Choose and Cut Tree Sales")~~ above in this Section.
- B. Retail sales in compliance with Subsection 130.44.104.B.4 F.1.d (Ranch Marketing Uses: Retail Sales) above in this ~~Section~~ 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 outside of the Christmas tree season on lots of 10 acres or more, subject to the following minimum standards:~~ compliance with Subsection 130.44.102.C (Special Events Generally) above, including that any special event held under this Subsection shall be counted towards the maximum of twenty-four (24) events that may be held without a Use Permit.
  - ~~a. Two events on lots with five acres or more of planted Christmas trees.~~
  - ~~b. Five events on lots with ten acres or more of planted Christmas trees.~~

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

- A. The provisions of this ~~Subsection~~ Section apply only to cattle grazing operations and are not in addition to other uses allowed by this ~~Section~~ 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 ~~this 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 ~~Section~~ Chapter. Table ~~130.40.260.344.106.1~~ (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 130.40.260.344.106.1—Ranch Marketing Uses for Agricultural Grazing Lands**

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	—
<u>Room Rental Event</u>	<u>P</u>	<u>P</u>	<u>P</u>	
Special	P	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	

<u>Concerts or other outdoor amplified music or voice</u> <del>Music festivals &amp; concerts</del>	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~~F.1.c (Ranch Marketing Uses: Marketing Activities and Accessory Uses) above in this Section~~;
  4. Food Stands or Chuck Wagons in compliance with Subsection 130.44.104.B.1 F.1.a (Ranch Marketing Uses: Bake Shops, and Food Stands, and Dining Facilities) above in this Section~~Chapter~~;
  5. Retail sales in compliance with Subsection F.1.d (Ranch Marketing Uses: Retail Sales) above in this Section 130.44.104.B.4 (Ranch Marketing Uses: Retail Sales) above in this Chapter;
  6. Special Events in compliance with Subsection F.1.e (Ranch Marketing Uses: Special Events) above in this SectionSubsections 130.44.104.5 (Ranch Marketing Uses; Special Events) and Subsection 130.44.102.C (Special Events Generally) above in this Chapter;
  7. Museum as defined in Subsection 130.44.104.B.6F.1.f (Ranch Marketing Uses: Agricultural Museum) above in this Section~~Chapter~~.
  9. 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.
    - ~~f.~~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 ~~facility~~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.
- D. Uses Requiring a ~~Conditional~~ 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 ~~live~~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, unless a one-time event, in which case, a Temporary Use Permit would apply;
  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 Section-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.
  - ~~2.3.~~ Any special event that is held on a ranch marketing area that has exceeded the twenty-four (24) events allowed by right or via an Administrative Permit in a calendar year, consistent with Subsection 130.44.102.C (Special Events Generally) above.
  - ~~3.4.~~ Dining facility;
  - ~~4.5.~~ 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 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~~do not participate in a road maintenance agreement;~~
  - ~~5.6.~~ 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 ~~prior to~~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~~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~~130.40.260.3: Ranch Marketing Uses for Agricultural Grazing Lands, above in this Section).

**Section 130.44.107 – Ranch Marketing Provisions for Small Livestock Operations Reserved.**

**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 is 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.
- A.D. 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 may suspend the ability of that ranch marketing area to be used to hold special events authorized by this Chapter for six (6) months after the date of the last violation. 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 8.03 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 8. 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	Reccommend <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) 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 9. Section 130.52.010 of the El Dorado County Ordinance Code entitled “Application Forms, Submittal Process, and Fees” is hereby amended as follows:

**Sec. 130.51.020 Application Forms, Submittal Process, and Fees.**

An application for an allowed use decision or permit required by this Title shall be submitted on an application form provided by the Department and shall include the written consent of the lawful owner or owners of record. Each allowed use application and information packet shall include a list of the information and materials necessary to render the requested allowed use decision. Each application shall be accompanied by the required information and materials before the application is deemed complete and accepted for filing. Any application made under the provisions of this Title may be initiated by the Board or by an applicant identified in A below.

- A. A permit application may be filed by:
  - 1. The lawful owner or owners of record of the lot on which the proposed project will be located, or their duly authorized agent.
  - 2. A person with lawful power of attorney or other acceptable authority from the lawful owner of record. Evidence of authorization shall be submitted with the application.
- B. When more than one land use decision is required for a single project, all applications may be filed concurrently. The review authority shall act on the different parts of a combined application on their own merits, and may approve one application without approving the other or others.
- C. Approvals granted for an application that was submitted containing a material misrepresentation or omission of material facts known to the applicant may result in revocation or unilateral modification of conditions of a permit or approval by the County, as provided in Section 130.54.090 (Revocation or County Mandated Modification of a Permit) below in this Article.
- D. Applications for permits or authorizations required by this Title shall be filed with the Department. All applications shall meet the following requirements:
  - 1. The proposed use is allowed, or has been found to be similar and compatible with allowed uses, within the zone in which it is located;
  - 2. The proposed use meets all applicable standards and requirements of this Title or such standards that are the subject of a concurrently filed Variance application; and

3. No violation of the County Code or any condition of approval of an applicable use entitlement exists on the subject site, unless the purpose of the application is to bring the violation into compliance.
- E. Application Fees. Application fees adopted by resolution of the Board shall be paid upon application submittal. Additional fees may be required subject to the provisions of the adopted fee schedule, such as for "time and material" fee categories. Policies for collection of fees, refunds, and handling overdue accounts while processing applications shall be determined by the Director, or by the Agricultural Commissioner in the case of fees for Administrative Permits issued under Chapter 130.44 (Ranch Marketing).
- F. Review of Applications. Within 30 days of the filing of an application, the Department shall review it for completeness and accuracy before the application is accepted as being complete and officially filed. The applicant shall be notified in writing by the Department that either:
  1. The application has been determined to be complete and accepted for processing; or
  2. The application is incomplete and additional information, specified in writing, must be provided. If an application is determined to be incomplete, the time in which the application must be processed shall be stayed until such time as the applicant has provided the required information.

If the Department fails to notify the applicant in writing within 30 days of filing, the application shall be deemed complete. The Department may request additional information where needed to comply with the California Environmental Quality Act (CEQA).
- G. Expiration of Application. The application shall expire and be deemed withdrawn, requiring processing to stop and the filing of a new application for project consideration, if:
  1. An application has been determined to be incomplete and the required information is not submitted within one year from the date of determination; or
  2. An applicant has requested that processing be delayed or stayed for a period of more than one year.

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 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). The Agricultural Commissioner shall have all the powers of the 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. Section 130.52.090 of the El Dorado County Ordinance Code entitled "Appeals" is hereby amended as follows:

**Sec. 130.52.090 Appeals.**

Any decision by the review authority of original jurisdiction may be appealed by the applicant or any other affected party, as follows:

- A. An appeal must be filed within ten working days from the decision by the review authority by completing the appeal form and submitting said form together with the applicable fee, as established by resolution of the Board, to the Department. The appellant shall clearly identify on the appeal form the specific reasons for the appeal and the relief requested.
- B. The hearing body for the appeal shall consider all issues raised by the appellant and may consider other relevant issues related to the project being appealed. The hearing body for the appeal shall be as follows:
  1. All decisions of the Director are appealable to the Commission and then to the Board.
  2. All decisions of the Zoning Administrator and the Commission are appealable to the Board.
  3. All decisions of the Agricultural Commissioner are appealable to the Ag Commission and then to the Board.
  - ~~34.~~ All decisions of the Board are final.
- C. The hearing on an appeal shall be set no more than 30 days from receipt of a completed appeal form and fee. If the Board meeting is canceled for any reason on

the date on which the appeal would normally be heard, the appeal shall be heard on the first available regularly-scheduled meeting following the canceled meeting date. The 30-day time limitation may be extended by mutual consent of the appellant(s), the applicant, if different from the appellant, and the appeals body. Once the date and time for the hearing is established the hearing may be continued only by such mutual consent.

- D. In any appeal action brought in compliance with this Section, the appellant(s) may withdraw the appeal, with prejudice, at any time prior to the commencement of the public hearing. For the purposes of this Section, the public hearing shall be deemed commenced upon the taking of any evidence, including reports from staff.
- E. Upon the filing of an appeal, the Commission, the Ag Commission, or the Board shall render its decision on the appeal within 60 days.
- F. No person shall seek judicial review of a County decision on a planning permit or other matter in compliance with this Title until all appeals to the Commission and Board or to the Ag Commission and the Board as applicable have been first exhausted in compliance with this Section.

Section 12. Section 130.80.020 entitled "Definitions of Specialized Terms and Phrases" of the El Dorado County Ordinance Code is amended in part as set forth below:

Agriculture, Value-Added Product. A change in the physical state or form of an agricultural commodity including but not limited to making apples into pie or cider, grapes into wine, or the production of jam from fruit for purposes of on-site or off-site sales, when such activities are consistent with Section 130.40.400 (Wineries), ~~Section 130.40.260~~ Chapter 130.44 (Ranch Marketing) in Article 4 (Specific Use Regulations) of this Title, and other applicable provisions of this Title. Any conversion of grapes or other agricultural products into alcoholic beverages shall be subject to all applicable state and federal permits and regulations.

Ranch Marketing (Use Type). Commercial activities conducted on agricultural lands which are accessory, incidental to, and compatible with the bona fide agricultural operation, as determined by the Agricultural Commissioner, conducted thereon. Such activities may include processing, packaging, the sale of agricultural products, and the following types of uses:

Bake Shop. A facility for the preparation and consumption of food items in which agricultural products grown on-site are used as a main ingredient for at least one of the baked goods, such as apples used to make apple pies, apple turnovers, or other apple pastries. Baked goods made from other ingredients may be offered for sale concurrently with goods made from produce grown on-site.

**Dining Facility.** An establishment where food, other than that produced on the premises (such as at a Bake Shop), is prepared and served to the public in an established seating area.

**Handicrafts.** 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.

**Food Stand and chuck wagon.** A facility for serving prepared food for consumption on the premises where indoor seating and dining facilities do not exist.

**Special Events.** See "Special Events". (See also ~~Section 130.40.260~~ Chapter 130.44: Ranch Marketing, in Article 4: Specific Use Regulations, of this Title.)

**Special Events (Use Type).** Temporary events that are usually held outdoors whether or not for compensation, such as auctions, carnivals, rodeos, concerts, and religious revival meetings. Special events may be further defined based on the use types below:

**Special Events, Wineries.** Events held on-site that are not considered to be tasting or marketing activities, as described in Section 130.40.400 (Wineries) in Article 5 (Planning Permit Processing) of this Title, such as charitable, promotional, or facility rental events, including those listed under "Special events, Ranch Marketing" below.

**Special Events, Ranch Marketing.** Events such as weddings, parties, company picnics, birthdays, reunions, or other social gatherings. (See also ~~Section 130.40.260~~ Chapter 130.44: Ranch Marketing, in Article 4: Specific Use Regulations, of this Title).

### Section 13. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

### Section 14. California Environmental Quality Act.

In 2015, the Board of Supervisors certified the Final Environmental Impact Report (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 Ordinance and Winery Ordinance because these 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 clearance for the Title 130 Zoning Ordinance Amendments in accordance with Sections 15162 and 15164 of the CEQA Guidelines.

**Section 15. 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 \_\_\_\_\_, 2023, by the following vote of said Board:

**ATTEST**

**Kim Dawson**

Clerk of the Board of Supervisors

Ayes:

By \_\_\_\_\_  
\_\_\_\_\_

Deputy Clerk

Noes:

Absent:

\_\_\_\_\_

Chair, Board of Supervisors

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

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

Daniel S. Vandekoolwyk



Deputy County Counsel

DRAFT