

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

**Ranch Marketing Ordinance and Winery Ordinance
Amendments**

(File No. OR 23-0001)

State Clearinghouse Number 2012052074

Prepared by:
County of El Dorado
Planning and Building Department

June 6~~February 12~~, 2023

I. INTRODUCTION

A. Overview

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

B. CEQA Authority for Addendum

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

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

- 1) Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 2) Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
- 3) New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:

- a) The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
- b) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
- c) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
- d) Mitigation measures or alternatives that are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative."

C. Scope of Addendum

This addendum addresses whether any of the conditions stated above have occurred to the TGPA-ZOU because of the minor, technical Ranch Marketing Ordinance and Winery Ordinance amendments. The scope of analysis contained within this addendum addresses each of the environmental resource areas that were previously analyzed in the final FEIR, which includes:

- Aesthetics
- Agricultural and Forestry Resources
- Air Quality and Greenhouse Gases
- Biological Resources
- Cultural Resources
- Land Use and Planning
- Noise
- Population and Housing
- Transportation and Traffic
- Water Supply
- Energy Resources
- Community Design Standards

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

D. Adoption and Availability of Addendum

The Ranch Marketing Ordinance and Winery Ordinance amendments were the subject of public meetings with the Board of Supervisors and Agricultural Commission Ranch Marketing Ad Hoc Committees on January 18, 2022, March 1, 2022, April 7, 2022, June 9, 2022, and January 17~~8~~, 2023; was in front of the Agricultural Commission on February 8, 2023; was and will tentatively be in front of the Planning Commission on March 9, 2023 and April 27, 2023; and is in front of the Board of Supervisors on June 6~~April 14~~, 2023, to collect input and comments from the public.

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

II. BACKGROUND INFORMATION ON THE TGPA-ZOU PROJECT

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

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

III. RANCH MARKETING ORDINANCE AND WINERY ORDINANCE PROPOSED AMENDMENTS

A. Overview

Staff have identified proposed amendments to the Ranch Marketing Ordinance (Section 130.40.260 Ranch Marketing) and Winery Ordinance (Section 130.40.400 Wineries). The proposed amendments amount to minor clarifications and/or modifications to the current Ordinances. The proposed amendments will

address areas of ambiguity in the Ordinances and ensure consistency between the Ordinances as well as other relevant sections of County Code, which will improve the County's enforcement efforts.

B. Proposed Amendments to the Ordinances

There are several categories of proposed amendments to the Ranch Marketing Ordinance and Winery Ordinance. These categories of proposed amendments include the following: noise standards, special events under 50 persons, enforcement, advance notification, live outdoor amplified concerts, administrative permits for ranch marketing, scope of the Agricultural Commissioner's authority, and terms and actors defined. Within each category listed below is a summary of the minor, technical proposed amendments to the Ranch Marketing Ordinance and Winery Ordinance.

i. Noise Standards

This proposed amendment would ensure consistency with the County's noise standards in Chapter 130.37 by expressly stating that special events held under the Ranch Marketing Ordinance must comply with the standards. Before this amendment was proposed, an operator of a ranch marketing area had to comply with the County noise standards when conducting marketing activities but did not have to comply with those standards when conducting certain special events that are allowed by-right during the harvest season. In addition, in the Winery Ordinance, a winery owner is expressly required to comply with County noise standards when conducting special events and marketing activities. The proposed amendment would treat marketing activities and special events consistent and would require a noise analysis for any events with amplified sound that occur between 7:00 p.m. and 10:00 p.m. and do not allow outdoor music allowed after 10:00 p.m.

ii. Special Events Under 50 Persons

The proposed amendments to the Ranch Marketing and Winery Ordinance clarify that any special event with up to 1-250 persons in attendance will be counted against the total number of special events allowed per year, which is set at 24 special events. The proposed amendments further clarify that if an operator exceeds their 24 special events per year, or if an event goes over the 250-person limit, a conditional use permit is required.

iii. Enforcement

The proposed amendments would include additional enforcement provisions to the Ranch Marketing and Winery Ordinances including the ability to impose fines that are higher than the fines imposed under the Code Enforcement Ordinance (Chapter 130.67), recover costs associated with code enforcement efforts, and prohibit certain activities if a violation occurs. Consistent with Penal Code section 19, a violation of the Ranch Marketing or Winery Ordinance would be a misdemeanor subject to a fine of \$250 for the first violation, \$500 for the second violation, and \$1,000 for the third or subsequent violation. The proposed amendments would provide that the County may recover the costs associated with its code enforcement efforts consistent with the existing authority under Section 9.02.090 and all fines collected by the County must be deposited in the County's General Fund and used for the enforcement and administration of the Ranch Marketing and Winery Ordinances. Certain activities would be prohibited for six-months if an operator of a ranch marketing area or winery owner has received three sustained-substantiated violations or more on separate occasions within an 18-month period. If there are any subsequent violations during that 18-month period, the County would be able to extend the prohibition of activities for an additional six months.

iv. Advance Notice

An advance notice provision is proposed to be added to the Ranch Marketing and Winery Ordinances. Under this provision, the operator of a ranch marketing area or winery owner must notify the Agricultural Commissioner at least 14 days in advance of a special event with basic information about the event. This information should include the event contact information, date, approximate duration, and address, which will be available on the County's website. The event contact must respond to and log all complaints during the specified timeframe of an event. If complaints are logged, they must be reported to the Agricultural Commissioner. The operator of a ranch marketing area or winery owner may submit a request to the Commissioner for an exception to submit the advance notice explaining the reasons why special circumstances exist to grant this exception at least 48 hours before the event.

v. Live Outdoor Amplified Concerts Concerts or other outdoor amplified music or voice

~~The proposed amendments to the Ranch Marketing and Winery Ordinances would clarify when a conditional use permit or temporary use permit is required for any live outdoor amplified concerts and the operator or winery owner cannot have more than 150 persons present unless they also obtain a permit under Chapter 12.39 or a permit for an outdoor music festival under~~

~~Chapter 5.32.~~ Currently, both the Ranch Marketing and Winery Ordinances state that a conditional use permit ~~was is~~ required for a concert or other live music where music is the primary attraction ~~requires a conditional use permit.~~ The proposed amendments to the Ranch Marketing and Winery Ordinance would instead state that a conditional use permit or temporary use permit, as applicable, is required for concerts or other outdoor amplified music or voice in which music is the primary attraction, and would define that phrase concerts or other outdoor amplified music or voice. The proposed amendments would also clarify that if it is reasonably anticipated more than 150 persons will be present at the event then the event is required to obtain a permit under Chapter 12.39 or a conditional use permit for an outdoor amplified music festival under Chapter 5.32, as applicable. This language is inconsistent with the terminology used for permits for live outdoor amplified concerts in Chapter 12.39 and for outdoor music festivals under Chapter 5.32. The proposed amendments would ensure that consistent terminology is used throughout the County Ordinance Code on concerts.

vi. Administrative Permit for Ranch Marketing

The proposed amendments to the Ranch Marketing Ordinance would clarify when an administrative permit is required for ranch marketing activities. Under the Ranch Marketing Ordinance, an administrative permit is required for special events that occur outside of the harvest season. The proposed amendments would also provide Agricultural Commissioner would be the review authority of original jurisdiction for administrative permits under Ranch Marketing Ordinance, rather than the Department of Planning and Building, and make conforming changes to that effect.

vii. Scope of the Agricultural Commissioner's Authority

The proposed amendments to the Ranch Marketing and Winery Ordinances would clarify the scope of the Agricultural Commissioner's authority and process by which the Commissioner exercises their authority.

viii. Terms and Actors

The proposed amendments to the Ranch Marketing and Winery Ordinances clarify certain key terms and identify relevant actors to address ambiguous language and ensure consistency between both Ordinances.

IV. CEQA ANALYSIS

County staff has determined that an addendum is the appropriate document because minor, technical amendments to the Ranch Marketing Ordinance (Section 130.40.260 Ranch Marketing) and Winery Ordinance (Section 130.40.400 Wineries) are needed, but none of the amendments trigger any of the conditions for preparation of a subsequent or new document under the CEQA. The amendments to the Ordinances are minor and technical in nature because the edits involve addressing areas of ambiguity and ensuring consistency between the Ordinances as well as other relevant sections of County Code, which will improve the County's enforcement efforts. The amendments to the Ordinances do not change to the allowable uses, nor an increase in the number of special events allowed annually for relevant ranch marketing or winery activities. The environmental analysis is presented in the table below, which lists the relevant ordinance citation(s), the subject matter of the proposed amendment category, and relevant CEQA review.

Relevant Ordinance Citation(s)	Proposed Amendment	CEQA Review
Sec. 130.44.101(A)(4)	Use Compatibility Review	The TGPA-ZOU FEIR included Mitigation Measure LU-4b that required proposed ranch marketing uses be reviewed for compatibility with adjoining agricultural uses. The proposed amendments to the ranch marketing ordinance would clarify the review process for proposed ranch marketing uses and add an appeal process. The proposed amendments would not change the analysis of the mitigation measure as discussed in the TGPA-ZOU, and the proposed amendments would add clarity to the review process of Mitigation Measure LU-4b. The proposed amendments would be equally effective or superior at mitigating the impacts of the ranch marketing ordinance as Mitigation Measure LU-4b was described and studied in TGPA-ZOU.
Sec. 130.44.102(C)(5)	Noise standards	This proposed amendment would ensure consistency with the County's noise standards in Chapter 130.37 by expressly stating that special events must comply with the standards. Before this amendment was proposed, an operator of a ranch marketing area had to comply with the County noise standards when conducting marketing activities but did not have to comply with those standards when conducting certain special events that are allowed by-right during the harvest season. In addition, in the Winery Ordinance, a winery owner is expressly required to comply with County noise standards when conducting special events and marketing activities. The proposed amendment would treat marketing activities and special events consistent and would require a noise analysis for any events with amplified sound that occur between 7:00 p.m. and 10:00 p.m. and do not allow outdoor music allowed after 10:00 p.m.

		The impact analysis and conclusions reached within the noise section of the TGPA ZOU FEIR would not change based on the proposed amendments relating to noise standards. This proposed amendment does not affect other resource areas of the TGPA ZOU FEIR. The proposed amendments would be more consistent with the County's noise standards in the General Plan and may even reduce impacts by treating special events consistently between both Ordinances. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.102(C)(3); Sec. 130.40.400(E)(3)(a)	Counting of special events	This proposed amendment to the ranch marketing ordinance would clarify that any special event with <u>up to 4</u>–250 persons in attendance will be counted against the total number of special events allowed per year, which is set at 24 special events. The proposed amendments further clarify that if an operator exceeds their 24 special events per year, or if an event goes over the 250-person limit, a conditional use permit is required. The existing language of the ranch marketing ordinance provides that special events held on operations whose primary product are Christmas Tree that are held outside of the Christmas tree season on lots of 10 or more are limited to a specified amount depending on the size of the lot. The proposed amendments would instead provide that special events held on operations whose primary product are Christmas Trees are counted consistently with other special events held under the ranch marketing ordinance. The proposed amendment to the winery ordinance would treat the counting of the maximum number of special events in the winery ordinance consistent with how special events are counted for purposes of the ranch marketing ordinance. The proposed amendments to both the ranch marketing ordinance and the winery ordinance would provide that a special event cannot last more than one calendar day, and if an event is intended to last more than one day, each day will count towards the maximum number of special events allowed. The impact analysis and conclusions reached within the TGPA ZOU FEIR would not change based on the proposed amendments relating to the clarification that special events under 50 persons counts towards the 24 special events cap in the ranch marketing ordinance and the related changes

		to the winery ordinance on how special events are counted. The proposed amendment will have no foreseeable physical impact on the environment. The proposed amendments would not change the number of special events authorized under the ranch marketing or winery ordinance in a calendar year. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.108; Sec. 130.40.400(J)	Enforcement	The proposed amendments would include additional enforcement -provisions to the -Ranch Marketing and Winery Ordinances -including the ability to impose fines that are higher than the fines imposed under the Code Enforcement Ordinance (Chapter 130.67), recover costs associated with code enforcement efforts, and prohibit certain activities if an operator of a ranch marketing area or winery owner repeatedly violates specified provisions of the ranch marketing ordinance or winery ordinance. The impact analysis and conclusions reached within the TGPA ZOU FEIR would not change based on the proposed amendments relating to enforcement. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.102(C)(6); Sec. 130.40.400(E)(3)(f)	Advance notice	This proposed amendment would require that the operator of a ranch marketing area or winery owner must notify the Agricultural Commissioner at least 14 days in advance of a special event with basic information about the event. The proposed amendments would provide that a special event cannot last more than one calendar day, and that if a special event is intended to last more than one day, a separate notice is required for each day of the event. The impact analysis and conclusions reached within the TGPA ZOU FEIR would not change based on the proposed amendments relating to operators providing advanced notice of special events. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.104(D)(6); Sec. 130.44.106(D)(1); Sec. 130.40.400(E)(3)(e)	Live outdoor amplified concerts Concerts	This proposed amendment would clarify that a temporary use permit is required for any live outdoor amplified concerts and the operator cannot have more than 150 persons present in compliance with Section 130.52.060.

	<u>or other outdoor music or voice</u>	<u>require a conditional use permit or temporary use permit for concerts or other outdoor amplified music or voice in which music, as defined, is the primary attraction. The</u> proposed amendments further clarify that, if more than 150 persons are present for a live outdoor amplified concert, the operator must also obtain a permit under Chapter 12.39 or a permit for an outdoor music festival under Chapter 5.32. The impact analysis and conclusions reached within the TGPA ZOU FEIR would not change based on the proposed amendments clarification for consistency purposes that requires operators to obtain a temporary use permit for live outdoor amplified concerts. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.102(C)(1)	Administrative permit is required for ranch marketing	This proposed amendment would clarify when an administrative permit is required for ranch marketing activities, which is for special events that occur outside of the harvest season. The appropriate form of environmental documentation for this proposed amendment is an addendum because it involves a minor clarification on when an administrative permit is required. The proposed amendment will have no foreseeable physical impact on the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.101(A)(3) & (4); Sec. 130.44.102(C)(5); Sec. 130.40.400(E)(3)(f); Sec. 130.40.400 (G)(1)	Scope of the Agricultural Commissioner's authority	This proposed amendment would clarify the scope of the Agricultural Commissioner's authority and process by which the Commissioner exercises their authority. <u>The proposed amendment would also provide that the Agricultural Commissioner will be the review authority of original jurisdiction for administrative permits under the Ranch Marketing Ordinance.</u> The appropriate form of environmental documentation for this proposed amendment is an addendum because it involves a minor clarification to the current Ordinances. The proposed amendment will have no foreseeable physical impact on the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
Sec. 130.44.101; Sec. 130.40.400(C)	Terms and actors	The proposed amendments would clarify various terms and identifies relevant actors to address ambiguous language

		and ensure consistency between the Ranch Marketing and Winery Ordinances. The appropriate form of environmental documentation for this proposed amendment is an addendum because it involves defining terms and identifying actors. The proposed amendment will have no foreseeable physical impact on the environment. The amendment presents no new significant environmental effects nor a substantial increase in the severity of a previously identified significant effect, involves no substantial change in circumstances under which the project is undertaken, and requires no new or modified mitigation measures.
--	--	---

V. CONCLUSION

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

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

1. The consideration of the FEIR and approval of the addendum reflect the independent judgment of the County;
2. The contents of the addendum does not substantially change the TGPA-ZOU Project or its circumstances and does not require major revisions to the FEIR. The information added through the proposed amendments to the Ranch Marketing and Winery Ordinances does not involve a new significant environmental impact, a substantial increase in the severity of an environmental impact, or a feasible mitigation measure considerably different from others previously analyzed that would lessen the significant environmental impacts of the TGPA-ZOU Project; and

3. Together, the FEIR and this addendum satisfy the requirements of CEQA. Preparation of an addendum is appropriate in accordance with CEQA Guidelines section 15164; no subsequent EIR is required.

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