

FROM THE PLANNING COMMISSION MINUTES DECEMBER 11, 2008

15. ZONING ORDINANCE UPDATE

Z03-0005/Winery Ordinance initiated by EL DORADO COUNTY. The Proposed Winery Ordinance would replace the existing Winery Ordinance in Section 17.14.190 of the County Code. The proposed ordinance would provide for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses and to encourage the economic development of the local agricultural industry by allowing for the direct sales and marketing of value added products. (Mitigated negative declaration prepared)* *[continued from November 13, 2008, hearing]*

(Clerk's Note: Commissioner MacCready recused himself from this item.)

Roger Trout presented this item to the Commission with a recommendation of approval to the Board of Supervisors. Mr. Trout indicated two changes that were required in the document: (1) Move item D.5.h to D.10.h; and (2) Table B.3, include a footnote for column 1 stating "may require a Conditional Use Permit pursuant to D.2".

Valerie Zentner of El Dorado County Farm Bureau would like Mitigation Measure 4-1 be removed as it is premature to include it in the Ordinance when committees are just beginning to review this area.

Jerome Pasto distributed a letter to the Commission stating that the CEQA report is inadequate and doesn't address traffic impacts. Mr. Pasto went into detailed discussion on this issue.

Ken Greenwood of Straight Shot Consulting stated that the proposed Ordinance is very polished and covers a majority of the issues but had concerns with the following: (1) Small rural residential parcels are affected; (2) Setbacks of 50 feet for wineries are inadequate; (3) Parking lots should have a setback from the property line; (4) Special Use Permits should be required, instead of "allowed by right", which would then require notification to neighbors; (5) Water usage; (6) Conversion of Oak Woodlands on RE-10 lands; (7) Off-site signs; (8) Significant environmental impacts have not been addressed; (9) Economic analysis needed; and (10) TIM fees offsetting costs.

Paul Bush of Madrona Vineyards requested that the Commission focus on the positives of this proposed Ordinance: (1) More restrictive than the current Ordinance; (2) Provides open space; and (3) Allows a rural atmosphere.

Sue Taylor, Ad Hoc Committee member, would like to see this finally put to rest so it can move forward.

Greg Boeger of Boeger Winery stated that this is good for the industry but it is more restrictive. He felt that this is a good blueprint. Mr. Boeger also reminded the Commission that concerns regarding oak woodlands conversion and water usage are vineyard issues and not winery issues.

Linda Neal stated that there will always be impacts when two parcels come together and no type of zoning is going to change that. She also stated that this Ordinance is a pro-agriculture moment.

John Smith of Oakstone Winery stated that the Fair Play Winery Association unanimously approved this Ordinance. He told the Commission that he had been on the Winery Ordinance Committee for 8 years and this proposal meets the needs of the County and the vintner.

Commissioner Mathews felt that is Ordinance is a road map and he supports it.

Commissioner Knight was pleased that there was widespread support for this Ordinance.

No further discussion was presented.

MOTION: COMMISSIONER KNIGHT MOVED, SECONDED BY COMMISSIONER MATHEWS, AND UNANIMOUSLY CARRIED (3-0), TO RECOMMEND THE BOARD OF SUPERVISORS TAKE THE FOLLOWING ACTION: 1. ADOPT THE MITIGATED NEGATIVE DECLARATION BASED ON THE INITIAL STUDY PREPARED BY STAFF; AND 2. APPROVE Z03-0005, THE DRAFT ORDINANCE THAT CONSISTS OF THE SEPTEMBER 8, 2008 WINERY ORDINANCE WITH THE MITIGATION MEASURES IN ATTACHMENT 1, BASED ON FINDINGS IN ATTACHMENT 2, AND TO INCLUDE THE AMENDMENTS PROPOSED BY THE AGRICULTURAL COMMISSION ON NOVEMBER 12, 2008 AND THE TYPOGRAPHICAL CHANGES AS IDENTIFIED BY STAFF.

(The proposed Winery Ordinance is attached in its entirety.)