

Ranch Marketing and Winery Ordinance Updates



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Presentation Overview

- ▶ Purpose
- ▶ How We Got Here
- ▶ Key Challenges Identified and Proposed Revisions
- ▶ CEQA Compliance
- ▶ Implementation
- ▶ Staff Recommendation



Purpose

- ▶ Bring forward recommendations to the Board of Supervisors (BOS) to address longstanding land use conflicts
- ▶ Provide additional clarity for Ranch Marketing or Winery operators, the public, County staff, and County decision makers
- ▶ Improve compliance with Ranch Marketing and Winery Ordinances through enhanced activity tracking and enforcement

How We Got Here

- ▶ BOS Ad Hoc
 - Established September 21, 2021
 - District 3 and 4 Supervisors as representatives
 - Focused on improving Ranch Marketing and Winery Ordinances
- ▶ Agricultural Commission (Ag Commission)
Ranch Marketing and Winery Ad Hoc
 - Established September 8, 2021
 - Three (3) representatives from Ag Commission
 - Support efforts of BOS Ad Hoc

How We Got Here

- ▶ Ad Hoc Meetings Conducted
 - Including Various Stakeholders
 - January 18, 2022
 - March 1, 2022
 - June 9, 2022

- ▶ Resolution of Intent to Amend Zoning Ordinance
 - Approved by BOS on September 13, 2022
 - 130.40.260 – Ranch Marketing
 - 130.40.400 – Wineries

Public Hearing Overview

COMPLETED



Key Challenges Identified

- ▶ Consistent Terminology
- ▶ Commercialization of Agricultural Areas
- ▶ Activity Tracking and Enforcement
- ▶ Amplified Noise and Noise Compliance

Consistent Terminology

- ▶ Ambiguity in some of the terms being used
- ▶ Lack of consistency between Ranch Marketing and Winery Ordinance terms

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

“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.

“Choose and Cut Tree Sales” shall mean a commercial operation where 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.

“Christmas Tree Season” is the time period beginning November 1 and ending on Christmas Day.

“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.

“Harvest Season” shall mean 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. 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.

“Minimum Cropland Area” shall mean the minimum required area planted and maintained in crop production, as defined in Article 8 (Glossary) of this Title, using standard horticultural practices with regard to irrigation, plant spacing, pruning, and pest and predator control.

Consistent Terminology

- ▶ Definitions revised or added for clarity:
 - Commercial Vineyard
 - Commissioner
 - Live Outdoor Amplified Concerts
 - Accessory Use
 - County-maintained Road
 - Environmental Management
 - Marketing Activities
 - Operator of the Ranch Marketing Area
 - Special Events

- ▶ Revised/added terms consistent in both Ranch Marketing and Winery Ordinances

Commercialization of Agricultural Areas

- ▶ Lack of emphasis on requirement for agriculture as primary purpose
- ▶ Special event venues that do not comply with agricultural provisions
- ▶ Unclear how special events distinguished from marketing events



Commercialization of Agricultural Areas



- ▶ Strengthened language for agriculture as the primary use of the site
- ▶ Compatibility review requirements
- ▶ Clarified timing of special events
- ▶ Special events defined to be 1 – 250 persons
- ▶ Calculation of special events – 24 hr. period
- ▶ No significant change to marketing events

Activity Tracking and Enforcement

- ▶ Currently no mechanism for:
 - Notifying the Agricultural Department or the public of upcoming special events
 - Tracking total number of special events
 - Identifying point of contact at site
- ▶ Lacking clear language regarding enforcement of special events and amplified sound

Activity Tracking and Enforcement

- ▶ Activity Tracking
 - 14-day advanced notice of special event
 - Website notification
 - Designated local contact
 - Complaint log
- ▶ Enforcement Language
 - Penalty matrix
 - Cost recovery for County
 - Suspension for repeated substantiated violations



Amplified Noise and Noise Compliance

- ▶ Inconsistency between Ranch Marketing and Winery Ordinances and the Noise Ordinance
- ▶ Lack of compliance with Noise Standards
- ▶ Impacts of amplified music and speech to surrounding land uses

Amplified Noise and Noise Compliance

- ▶ **Modification to Noise Ordinance**
 - Clarify exceptions to use permit requirement
- ▶ **Clarify Ranch Marketing noise standard consistency**
- ▶ **Consistency between Ranch Marketing and Winery Ordinances**

CEQA Compliance

- ▶ CEQA determination based on analysis of the proposed changes to the Ranch Marketing and Winery Ordinances
- ▶ Addendum to the Targeted General Plan Amendment/Zoning Ordinance Update (TGPA/ZOU) Final Environmental Impact Report (FEIR) being proposed
 - Notice of Availability released on February 10, 2023
 - 14-day comment period from February 11, 2023 through February 24, 2023
- ▶ Amended to reflect revisions made at Ag. Commission and Planning Commission hearings

Proposed Amendments/ Additional Information

- ▶ In response to public comment received at the January 17, 2023 Public Workshop
 - Developed a “Room Rental Event” use type
 - Minor grammatical errors
- ▶ Developed draft Frequently Asked Questions (FAQ) document
- ▶ Developed Ranch Marketing/Winery webpage at:
 - <https://www.edcgov.us/Government/ag/Pages/Ranch-Marketing-Winery-Ordinance-Updates.asp>

Ranch Marketing/Winery Ordinance Update Webpage

The screenshot shows the El Dorado County website. At the top left is the El Dorado County logo. To its right is a search bar labeled "Search El Dorado County...". Below the search bar is a navigation menu with icons and labels for: Home, I Want To, Government, Doing Business, Living, Visiting, Emergency Services, Connect With Us, Phone Directory, Strategic Plan, and Transparent EDC. Below the navigation menu is a sub-menu labeled "Agriculture Menu". The main content area has a header "Agriculture" with a breadcrumb trail "Home > Government > Agriculture". The main heading is "Ranch Marketing & Winery Ordinance Updates". Below this heading is a photograph of a wooden barn with yellow autumn leaves in the foreground. To the right of the photo is contact information for "Agriculture, Weights & Measures" including "LeeAnne Mila, Interim Agricultural Commissioner/ Sealer of Weights & Measures" and the phone number "(530) 621-5520". Below the photo are three expandable sections: "Meeting Information", "Documents", and "Frequently Asked Questions". At the bottom of the page is the text "Ranch Marketing Additional Information".

Proposed Amendments/ Additional Information

- ▶ At the Feb 8, 2023 Public Hearing the Agricultural Commission
 - Evaluated the new “Room Rental Event” use type and minor grammatical errors
 - Recommendations to the Planning Commission/BOS
 - Increase Room Rental Event type to include 40 persons
 - Allowance of three special events for 501(c)(3) non-profit
 - One-year review with the Agricultural Commission

Proposed Amendments / Additional Information

- ▶ At the March 9, 2023 Public Hearing the Planning Commission
 - Evaluated the Ag. Commission recommendations as incorporated by staff
 - Identified additional recommendations for staff to incorporate and bring back to the commission on topics including:
 - Enforcement, Dining Facilities, Ag Commissioner and Director Definitions, Non-profits, Ag. Department review of Administrative Permits, Room Rental, Advanced Notice, Concerts, and Facility Rental Events
 - Encouraged staff to reach out to growers, grower's organizations, and members of the public to enhance public outreach efforts

Proposed Amendments/ Additional Information

- ▶ At the April 27, 2023 Public Hearing the Planning Commission
 - Evaluated modification requested by the Planning Commission at the March 9, 2023 hearing as incorporated by staff
 - Forward staff's recommendation to the Board with the addition of:
 - Recommendation that Board direct staff to continue defining the primary use of agriculture
 - Add lighting to the list of issues that the designated local contact should provide prioritized response
 - Follow-up to return in a year to both the Ag. Commission and the Planning Commission

Implementation

- ▶ Maintain Ranch Marketing & Winery Ordinance webpage with most current information
- ▶ Continue to refine FAQ document (as needed)
- ▶ Finalize development of Ranch Marketing & Winery Ordinance Verification Forms/Activity Tracking Portal
- ▶ Program monitoring and evaluation to inform potential amendments for presentation to Ag. Commission and Planning Commission in approx. 1 year

Staff Recommendation

- ▶ BOS consider the Planning Commission's recommendation to take the following actions:
 - 1) Approve the CEQA Addendum to the TGPA-ZOU FEIR consistent with Sections 15162 and 15164 of the CEQA Guidelines;
 - 2) Approve the proposed amendments to the Zoning Ordinance, incorporating additional changes recommended by the Planning Commission, and adopt an Ordinance for Title 130 Zoning Ordinance of the El Dorado County Code based on the findings as presented by staff;
 - 3) Direct staff to return to the Ag. Commission and Planning Commission approximately one year following the effective date of the ordinance for an update; and
 - 4) Direct staff to continue to define how to determine that agriculture production is the primary use or function of the property.

Questions?

