



# County of El Dorado

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## Legislation Details (With Text)

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**File created:** 9/18/2008      **In control:** Board Of Supervisors

**On agenda:** 10/21/2008      **Final action:** 10/21/2008

**Title:** Development Services Department, Planning Services Division, providing a revised Draft Winery Ordinance as directed from the Board of Supervisors on July 1, 2008.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. September 8 Winery Ordinance.pdf, 2. Initial Study Sept 8.pdf, 3. Revised Draft Winery Ordinance 9-25-07.pdf, 4. Z03-0005 Alternative Draft Winery Ordinance.pdf, 5. Matrix - Draft Winery Ordinance att'd 10-25-08.pdf

Date	Ver.	Action By	Action	Result
10/21/2008	1	Board Of Supervisors	Approved	Pass

Development Services Department, Planning Services Division, providing a revised Draft Winery Ordinance as directed from the Board of Supervisors on July 1, 2008.

**RECOMMENDED ACTION:** Staff is recommending that the Board of Supervisors review the September 8, 2008 Draft Winery Ordinance and:

- 1) Direct staff to use the September 8, 2008 Draft Winery Ordinance, as may be amended by the Board this date, as the "Project Description" for the winery ordinance;
- 2) Direct staff to use the attached Initial Study and Mitigation Measures as the basis for a Mitigated Negative Declaration to satisfy CEQA requirements; and
- 3) Return to the Board of Supervisors after public review and recommendations on the Draft Ordinance and Initial Study by the Agricultural Commission and Planning Commission.

### Background:

**1: Board of Supervisors Review and Amendment of Draft Ordinance.** The Board motion of July 1, 2008 directed staff to create the new version of the winery ordinance and return to the Board for final "review and approval." The revised draft winery ordinance is attached and labeled the "September 8, 2008 Draft Winery Ordinance." This version of the draft winery ordinance includes:

- A. The major provisions from the September 11, 2007 Draft Ordinance. (Reference Attachment: "Revised Draft winery Ordinance 9-25-07.doc");
- B. Changes to accommodate the preferred format of the March 17, 2008 Draft Ordinance. (Reference Attachment: "Z03-0005 Alternative Draft Winery Ordinance.doc"); and

C. Changes to reduce potential impacts so that it can be circulated with a Mitigated Negative Declaration. (See Item 2: Initial Study and Mitigation Measures.)

If the revised ordinance is accepted, or amended, by the Board, staff may then use it as the "Project Description" in the zoning amendment process.

**2: Initial Study and Mitigation Measures.** The Winery Ordinance Initial Study considers the impacts associated with the September 8, 2008 Draft Winery Ordinance and identifies potentially significant impacts in areas of Aesthetics, Biological Resources, Cultural Resources, and Noise. Mitigation Measures are identified to reduce those impacts to less than significant. All other impacts were determined to be less than significant. The Mitigation Measures are incorporated into the ordinance and attached to the Initial Study as Appendix E: "September 8, 2008 Draft Winery Ordinance with Mitigation Measures."

In order to reduce the potential impacts of the September 11, 2007 winery ordinance so that a Mitigated Negative Declaration could be used, the following represents the more significant changes to the September 11, 2007 ordinance:

A. Reduced the zones eligible for winery facilities by right. The "A" zone was removed from the ordinance. The "A" zone is not in the existing County winery ordinance. The change reduces the number of existing lots that could accommodate a winery and minimize impacts on adjacent lands.

B. Land use compatibility provisions (Draft Ordinance Section D.2). A new provision is included in the Draft Ordinance that requires a Conditional Use Permit for new winery facilities that are both: not within an Agricultural District and are adjoining lands that are designated MFR, HDR, MDR or LDR on the General Plan map.

C. Reduction in Special Events (Draft Ordinance Section C.3). The September 11, 2007 draft allowed a total of 88 events per year: 24 Promotional Events, 52 Special Events, and 12 Charitable Events; with each event allowed to last up to three consecutive days. The September 8, 2008 Draft Winery Ordinance combines these events under the single label of "Special Events" and allows a total of 48 "event-days" per calendar year.

Action to be taken following Board approval: Planning Services will proceed with the Winery Ordinance amendment process and schedule the item for Agricultural Commission recommendation, as well as the required Planning Commission hearing. The ordinance will return to the Board for final approval.

Planning Services has anticipated that the Board may desire to complete the Winery Ordinance amendment process by the end of the year. In order to accomplish this goal, Planning Services will work with the Agricultural Department to scheduled the item for the October 8, 2008 Agricultural Commission meeting.

In order that the item to be heard by the Board in December 2008, Planning Services will also schedule and advertise the Winery Ordinance and CEQA documents for the November 13, 2008 Planning Commission meeting.

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