



County of El Dorado

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Legislation Details (With Text)

File #:	06-1814	Version:	8
Type:	Agenda Item	Status:	Adopted
File created:	11/8/2006	In control:	Board Of Supervisors
On agenda:	7/1/2008	Final action:	7/1/2008
Title:	Development Services Department, Planning Services Division, recommending, pursuant to the Board of Supervisors motion on October 16, 2007, that the Board direct staff to follow one of the following options: Option A - Staff should continue to pursue a consultant-prepared Environmental Impact Report (EIR) using the September 11, 2007 Draft Winery Ordinance; or Option B - Staff should proceed with the September 11, 2007 Draft Winery Ordinance process utilizing the Initial Study/ Mitigated Negative Declaration prepared by staff on September 25, 2007; or Option C - Staff should proceed with the Winery Ordinance as amended by the March 17, 2008, Alternative Draft Winery Ordinance and process the amended ordinance utilizing an Initial Study/ Mitigated Negative Declaration. (Refer 10/16/07, Item 38)		

Sponsors:

Indexes:

Code sections:

Attachments: 1. Ranch Marketing Goldenrod.pdf, 2. Winery Ag Comm Amended Language 8-7-07, 3. Winery Ordinance Attachments A-F 032007.pdf, 4. Letter from Jack and Kathy Zimmer - rcvd 3-19-07.pdf, 5. email rcvd 3-19-07.pdf, 6. Memorandum from EDC Economic Development Advisory Committee.pdf, 7. Board Letter for 6-26.pdf, 8. Exhibit A-1 062607.pdf, 9. Exhibit A-2 062607.pdf, 10. Board Policy J-3.pdf, 11. Revised Draft Winery Ordinance 8-7-07 clean.pdf, 12. 2007-0X Resolution of Intention 082807.pdf, 13. Letter received from Ken R. Greenwood 9-7-07.pdf, 14. email rcvd from T. Georgiades 9-11-07.pdf, 15. Documents rcvd from Jerome Pasto - 9-11-07.pdf, 16. Letter from K. Greenwood 9-11-07.pdf, 17. Comparison from R. Trout 9-11-07.pdf, 18. Revised Draft Winery Ordinance 9-25-07.pdf, 19. Winery Ordinance Initial Study Admin Draft September 25.pdf, 20. Existing Proposed Comparison Table 092507.pdf, 21. Letter from Taxpayers Association 9-17-07.pdf, 22. Letter from Cris Alarcon rcvd 10-16-07.pdf, 23. Z03-0005 Alternative Draft Winery Ordinance.pdf, 24. Letter from J. Pasto att'd 7-2-08.pdf

Date	Ver.	Action By	Action	Result
7/1/2008	8	Board Of Supervisors	Adopted As Amended	Pass
10/16/2007	8	Board Of Supervisors	Denied	Fail
10/16/2007	8	Board Of Supervisors	Amended	Pass
9/25/2007	7	Board Of Supervisors	Continued	Pass
9/11/2007	6	Board Of Supervisors	Approved	Pass
6/26/2007	5	Board Of Supervisors	Denied	Pass
5/1/2007	4	Board Of Supervisors		
3/20/2007	3	Board Of Supervisors	Continued	Pass

11/14/2006

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Board Of Supervisors

Approved

Pass

Development Services Department, Planning Services Division, recommending, pursuant to the Board of Supervisors motion on October 16, 2007, that the Board direct staff to follow one of the following options:

Option A -

Staff should continue to pursue a consultant-prepared Environmental Impact Report (EIR) using the September 11, 2007 Draft Winery Ordinance; or

Option B -

Staff should proceed with the September 11, 2007 Draft Winery Ordinance process utilizing the Initial Study/ Mitigated Negative Declaration prepared by staff on September 25, 2007; or

Option C -

Staff should proceed with the Winery Ordinance as amended by the March 17, 2008, Alternative Draft Winery Ordinance and process the amended ordinance utilizing an Initial Study/ Mitigated Negative Declaration. (Refer 10/16/07, Item 38)

Background: On October 16, 2007, the Board directed staff to prepare an Environmental Impact Report (EIR) for the proposed Winery Ordinance. Discussion on the motion focused on three areas as summarized below:

1. Prepare the Notice of Preparation (NOP) using the draft ordinance. Staff prepared and circulated the Notice of Preparation (NOP) for a 30 day review period beginning February 20, 2008, and held one meeting with the Planning Commission on March 13, 2008. The State Clearinghouse distributed the NOP to State agencies beginning February 13, 2008, and ending March 13, 2008, and assigned State Clearing House number SCH # 2008022064. No comments were received by any State Agency during the review period.
2. Develop alternatives that address issues raised by the Board. Staff prepared an alternative ordinance labeled the March 17, 2008 Alternative Draft Winery Ordinance. This was developed in consultation with a sub-committee of representatives from the wine industry. The Alternative resolves issues raised by the Board and is designed to have less impacts than the current draft ordinance by reducing the threshold that triggers the need for a special use permit. A mitigated negative declaration could also be utilized for this draft ordinance.
3. Return with a consultant contract for the EIR. Staff pre-screened five firms that indicated a willingness to submit a proposal for our Winery Ordinance EIR. Requests for Proposals to prepare the Winery Ordinance EIR went out in May 2008 and were opened on June 2, 2008. Two firms submitted proposals with the costs ranging from approximately \$55,000 to \$177,000. Upon review of the two, it appears that the more expensive proposal more closely matches the needs for the County. The Board recently allocated \$150,000 in the 2008-2009 Development Services' budget to cover ongoing costs for preparation of this ordinance. If the one firm is selected, we either will need to request an adjustment to our budget to cover the full cost of EIR preparation or find some way of reducing the overall scope of work so the cost is within our adopted budget.

Discussion:

It has been eight months since the Board last provided direction on this project. Since that time, we have completed the NOP process, solicited bids for preparation of the EIR, and identified alternatives to be considered during the CEQA process. Given the budget issues facing the County and the fact that one alternative version of the ordinance seems to have even less impacts than the original, staff is returning to the Board to either receive direction to proceed with the EIR contract or to consider one of the other options presented.

The County can proceed in developing a Winery Ordinance that would permit various uses “by right” at wineries, but this may require an EIR depending on the extent and impact of the by right uses.

The County can alternatively develop a Winery Ordinance that permits less uses by right but still allows necessary commercial options through the use permit process.

Staff has prepared an Initial Study for the September 11, 2007, Winery Ordinance that includes a number of mitigation measures necessary to reduce potential impacts of the Ordinance to less than significant. The March 17, 2008, Alternative Ordinance would create less impacts than the September 11, 2007, Winery Ordinance but may also require additional mitigation measures to reduce potential impacts. Impacts would be fully evaluated by staff if this option is selected.

Staff recommends that the EIR process be used if the Board intends for the Winery Ordinance to allow uses that are currently permitted in the existing Winery Ordinance. This is necessary due to the increasing difficulty of establishing new Agricultural Preserves, rezoning to Agricultural Zones, and approving new wineries. An EIR would identify mitigation measures, including changes to be incorporated into the Winery Ordinance, to minimize potentially significant impacts from new or expanded winery operations. Additionally, an EIR could provide a basis to allow the Board to adopt overriding considerations for impact areas where no identified mitigation is available (e.g. unavoidable impacts).

The Board may also consider developing a Winery Ordinance that minimizes potential impacts associated with wineries by using the special use permit process to evaluate and minimize impacts on a project-by-project basis. This type of Winery Ordinance would improve our ability to establish Agricultural Preserves, rezone property to Agricultural Zones, and allow new or expanded wineries through the use of a special use permit, and it could be processed with a Negative Declaration

ATTACHMENT

Draft Alternative Winery Ordinance

Contact: Lawrence W. Appel (7698)/Roger P. Trout (5369)