



Legislation Details (With Text)

File #: 23-1143 **Version:** 1

Type: Agenda Item **Status:** Approved

File created: 6/5/2023 **In control:** Board of Supervisors

On agenda: 6/20/2023 **Final action:** 6/20/2023

Title: HEARING - To consider Final Passage of amendments to Title 130 - Zoning Ordinance of the County Ordinance Code (OR23-0001) to amend Section 130.40.260 - Ranch Marketing and Section 130.40.400 - Wineries and recommending the Board take the following actions, based on the Planning Commission's Recommendation:

- 1) Approve the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU) Final Environmental Impact Report consistent with Sections 15162 and 15164 of the CEQA Guidelines (Attachment C);
- 2) Approve the Proposed amendments to the Zoning Ordinance, incorporating additional changes recommended by the Planning Commission, and adopt and authorize the Chair to sign Ordinance 5177 for Title 130 Zoning Ordinance of the El Dorado County Code (Attachment E) based on the findings as presented by staff;
- 3) Direct staff to return to the Agricultural Commission and Planning Commission approximately one (1) 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.

FUNDING: General Fund.

Sponsors:

Indexes:

Code sections:

Attachments: 1. A - Staff Memo, 2. B - Counsel Approval, 3. C - Final CEQA Addendum - Clean, 4. D - Final CEQA Addendum - Redline, 5. E - Amended Ranch Marketing Winery Ordinance - Clean, 6. F - Amended Ranch Marketing Winery Ordinance - Redline, 7. G - Draft Ranch Marketing Winery Findings PC 03-09-23, 8. H - FAQ Ranch Marketing Winery Ordinance, 9. I - Presentation, 10. Pre-Passage Summary Ordinance, 11. Pre-Passage Proof of Publication-Mountain Democrat BOS 06-20-23.pdf, 12. Post-Passage Summary Ordinance, 13. Public Comment BOS Rcvd. 6-16-2023, 14. Executed Ordinance 5177

Date	Ver.	Action By	Action	Result
6/20/2023	1	Board of Supervisors	Approved	Pass

HEARING - To consider Final Passage of amendments to Title 130 - Zoning Ordinance of the County Ordinance Code (OR23-0001) to amend Section 130.40.260 - Ranch Marketing and Section 130.40.400 - Wineries and recommending the Board take the following actions, based on the Planning Commission's Recommendation:

- 1) Approve the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment & Zoning Ordinance Update (TGPA-ZOU) Final Environmental Impact Report consistent with Sections 15162 and 15164 of the CEQA Guidelines (Attachment C);
- 2) Approve the Proposed amendments to the Zoning Ordinance, incorporating additional changes recommended by the Planning Commission, and adopt and authorize the Chair to sign Ordinance **5177** for Title 130 Zoning Ordinance of the El Dorado County Code (Attachment E) based on the findings as presented by staff;
- 3) Direct staff to return to the Agricultural Commission and Planning Commission approximately one

- (1) 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.

FUNDING: General Fund.

DISCUSSION / BACKGROUND

The purpose of the proposed amendments to Title 130 - Zoning Ordinance (OR23-0001) for Section 130.40.260 - Ranch Marketing (Ranch Marketing Ordinance) and Section 130.40.400 - Wineries (Winery Ordinance) and conforming changes to the Zoning Ordinance relating to the ability of a ranch marketing operator or a winery owner to hold special events. The proposed amendments include but are not limited to:

- Amend the Ranch Marketing Ordinance to require an operator of a ranch marketing area to comply with the County Noise standards in Zoning Ordinance Chapter 130.37 and make confirming changes;
- Revise and recast the Ranch Marketing Ordinance and add or amend various definitions in the Winery Ordinance and the Ranch Marketing Ordinance various key terms and identify relevant actors to address ambiguous language and ensure consistency between both Ordinances;
- Amend the Ranch Marketing Ordinance and the Winery Ordinance to state that a special event is defined to be any event for up to 250 persons in attendance, limited in duration to 24 hours, would require the operator of the ranch marketing area or winery owner to notify the Agriculture Commissioner no later than 14 calendar days in advance of each event, and to add additional enforcement for potential violations relating to special events;
- Clarify when a conditional use permit is required for concerts held under the Ranch Marketing Ordinance and Winery Ordinance and update terminology consistent with Chapter 5.32 and Chapter 12.39;
- Clarify the scope of the Agricultural Commissioner's review authority, and add procedures to appeal decisions, under the Ranch Marketing Ordinance and the Winery Ordinance; and
- Make other clarifying and conforming changes.

In 2015, the Board of Supervisors (Board) certified the Final Environmental Impact Report (EIR) (State Clearinghouse No. 2012052074) for the El Dorado County TGPA-ZOU Project. Under CEQA Guidelines section 15164, the County must prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in CEQA Guidelines section 15162 that require the preparation of a subsequent EIR have occurred. After a review, staff determined that a CEQA Addendum is the appropriate level of environmental review for the amendments to the Ranch Marketing Ordinance and Winery Ordinance because these amendments would not result in any new or more severe impacts than those previously analyzed in the 2015 TGPA-ZOU Project EIR. Although the County was not legally required to do so, the County put the CEQA Addendum out for comment between February 11, 2023 to February 24, 2023 and received two (2) comments. The CEQA Addendum, together with the 2015 TGPA-ZOU Project EIR, will be utilized by the County as the environmental clearance for the Title 130 Zoning Ordinance Amendments in accordance with Sections 15162 and 15164 of the CEQA Guidelines.

On December 15, 2015, (File No. 11-0356, Item No. 42) the Board adopted Ordinance No. 5030 that

established a comprehensive update to the Zoning Ordinance. This update included revisions to Section 130.40.260 - Ranch Marketing and Section 130.40.400 - Wineries that authorized certain special events to occur by right. On September 1, 2020, the Board adopted Ordinance No. 5127, amending Section 130.40.260.H - Ranch Marketing Provisions for Agricultural Grazing Lands (Large Animal), to allow ranch marketing activities to occur on land zoned Planned Agricultural and Limited Agricultural when done in compliance with all applicable provisions and standards.

On April 13, 2021 (File No. 21-0502, Item No. 21) the Board approved and endorsed the Long Range Planning Project Prioritization Matrix for Fiscal Year 2021-22, which included an update to the Ranch Marketing Ordinance

On September 21, 2021 (File No. 21-1495, Item No. 4) the Board established a Ranch Marketing Ad Hoc Committee consisting of Supervisors Parlin and Thomas. The Ad Hoc Committee met on January 18, 2022, March 1, 2022, April 7, 2022, and June 9, 2022. In addition, the Agriculture Commission formed an Agriculture Working Group consisting of members from the Agriculture Commission, Winery Owners, and supporting industry. The Working Group participated in the January 18, 2022, March 1, 2022, and April 7, 2022, Ad Hoc Committee meetings and also met independently on June 1, 2022, and June 24, 2022

On July 26, 2022 (File No. 22-1223, Item No. 29), The Board adopted Resolution of Intention 114-2022 to Amend Title 130 of the County Zoning Ordinance and initiate a Zoning Ordinance Update for Sections 130.40.260 - Ranch Marketing and 130.40.400 - Wineries

On January 17, 2023 (File No. 23-0109, Item No. 1), the Ranch Marketing Ad Hoc Committee, along with staff from the Department of Planning and Building and Agriculture Department, conducted a workshop on draft amendments to Title 130 of the County Code of Ordinances, Zoning, for Sections 130.40.260 - Ranch Marketing and 130.40.400 - Wineries.

On February 8, 2023 (File No. 23-0277, Item No. 6), the Agriculture Commission recommended to the Planning Commission and the Board of Supervisors, Approval of the Draft Ranch Marketing and Winery Ordinance.

On March 9, 2023 (File No. 23-0435, Item No. 3), upon conclusion of public comment the Planning Commission decided to continue the public hearing to April 27, 2023 and directed staff to meet with certain interest groups including the community to discuss the Draft Ranch Marketing and Winery Ordinance.

On April 27, 2023 (File No. 23-0435, Item No. 5), the Planning Commission voted to forward staff's recommendation to the Board of Supervisors with the addition that the Board direct staff to continue the discussion on defining the primary use of agriculture, add lighting to the list of issues that the designated local contact should provide a prioritized response and a follow up to return in a year to both the Agricultural Coming and Planning Commission.

ALTERNATIVES

The Board could choose to not approve this proposed amendment to the Zoning ordinance addressing Ranch Marketing and Wineries. The Board could also direct staff to modify the ordinance.

PRIOR BOARD ACTION

See Discussion/Background above.

OTHER DEPARTMENT / AGENCY INVOLVEMENT

County Counsel and Sheriff's Department

FINANCIAL IMPACT

There is no change to Net County Cost associated with this item. Funding for the staff time associated with the Zoning Ordinance Update has been included in the FY 2023-24 Budget.

CAO RECOMMENDATION / COMMENTS

CLERK OF THE BOARD FOLLOW UP ACTIONS

- 1) Obtain the Chair's signature on the ordinance summary and publish in the newspaper no less than 5 days prior to Final Passage.
- 2) Publish the summary ordinance to include the final Board vote within 15 days after Final Passage.
- 3) Clerk to forward one (2) fully executed copies of Ordinance to the Planning and Building Department, Planning Services, attention Chris Smith
- 4) Send the full ordinance to Municode for codification following Final Passage.

STRATEGIC PLAN COMPONENT

Good Governance: Evaluate requests and recommendations based on complete assessment of the best available information, with the goal of reaching well informed decisions.

CONTACT

LeeAnne Mila, Agricultural Commissioner
Agricultural Department

Rob Peters, Deputy Director of Planning
Planning and Building Department