



Legislation Text

File #: 23-0435, **Version:** 2

Hearing to consider: Agriculture Department and Planning and Building Department proposed amendments to Title 130 (Zoning Ordinance) of the County Code (OR23-0001) that would amend the Ranch Marketing Ordinance (Zoning Ordinance section 130.40.260) and the Winery Ordinance (Zoning Ordinance section 130.40.400) and staff recommending the Planning Commission recommend the Board of Supervisors take the following actions:

- 1) Recommend the Board of Supervisors approve the California Environmental Quality Act (CEQA) Addendum to the Targeted General Plan Amendment/ & Zoning Ordinance Update (TGPA/ZOU) Final Environmental Impact Report (EIR) consistent with Sections 15162 and 15164 of the CEQA Guidelines (Attachment A); and
- 2) Recommend the Board of Supervisors approve the proposed amendments to the Zoning Ordinance, incorporating additional changes recommended by the Planning Commission on March 9, 2023, and adopt an Ordinance for Title 130 Zoning Ordinance of the El Dorado County Code (Attachment B) based on the Findings as presented by staff. (cont. 3/9/23, item #3)

DISCUSSION / BACKGROUND

Request to consider recommendation for adoption of proposed amendments to the Ranch Marketing Ordinance, Winery Ordinance, and conforming changes to the Zoning Ordinance (OR23-0001) relating to the ability of a ranch marketing operator or a winery owner to hold special events, submitted by El Dorado County. The proposed amendments include but are not limited to:

- 1) Amend the Ranch Marketing Ordinance to require an operator of a ranch marketing area to comply with the County Noise standards in EDC Ordinance Code Chapter 130.37 and make confirming changes;
- 2) 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;
- 3) Amend the Ranch Marketing Ordinance and the Winery Ordinance to state that a special event is defined to be any event between 1-250 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;
- 4) 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;
- 5) 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
- 6) Make other clarifying and conforming changes.

The proposed Ordinance would be effective 30 days after final adoption by the County Board of Supervisors.

In 2015, the Board certified the Final Environmental Impact Report (EIR) (State Clearinghouse No.

2012052074) for the El Dorado County (County) Targeted General Plan Amendments & Zoning Ordinance Update (TGPA-ZOU) Project. Under CEQA Guidelines section 15164, the County must prepare an addendum to a previously certified Environmental Impact Report (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 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.

A Staff Memo is attached.

This item was considered by the Planning Commission on March 9, 2023 and was continued to the April 27, 2023 meeting (3-1).

CONTACT

LeeAnne Mila, Interim Agricultural Commissioner/ Sealer of Weights & Measures
Agriculture Department

Rob Peters, Deputy Director of Planning
Planning and Building Department