

County of El Dorado

Agriculture, Weights & Measures

LeeAnne Mila

Agricultural Commissioner, Sealer of Weights & Measures



ADVISORY LETTER

RE: Updates to the El Dorado County Ranch Marketing and Winery Ordinance for Special Events

As many of you know, on June 20, 2023, El Dorado County Board of Supervisors approved the 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. Those changes became effective on July 20, 2023. Our office wants to start by thanking the community for your thoughts and engagement on this important issue. The County began this process to protect against the commercialization of agriculture while also ensuring that ranch marketing remains available to the farmers and ranchers in our County. We wanted to provide you a summary of the changes. Please do not hesitate to contact our office if you have any questions. You can find more information on the update process at <https://edcgov.us/Government/ag/ranch-marketing>. Below is a short summary of the major changes made.

Advanced Notice

Effective July 20, 2023, an operator of a ranch marketing area or winery owner must notify the Agricultural Commissioner no later than 14 calendar days in advance of each special event. In that notice, you will need to include the name and contact information for a Designated Local Contact for the event and the date of the event, the approximate duration for when the event will commence and end, and the address of the event. You can notify our office by using the form available on our website at <https://www.edcgov.us/Government/ag/Pages/Ranch-Marketing-Winery-Event.aspx>. If you are not able to meet that 14 calendar day period, you may, no later than 48 hours of an event, submit a request to the Agricultural Commissioner for an exception to the 14 day advance notice requirement. Please include in that request reasons why special circumstances exist to grant this exception and I will review the request as it comes in. Please continue to send in the advance notice forms in a timely manner. This ensures that our office can verify that your event is in compliance if we get any complaints or concern from the public.

Designated Local Contact During the Event

The Designated Local must be available via telephone two hours before the event, during the event, and one hour after the event to respond to any complaints received. If the Designated Local Contact receives a complaint, the Designated Local Contact has to respond within 30 minutes of any complaint received and to take corrective action to resolve any reasonable complaint. This was done to make this process self-policing so that the County does not have to be involved if that can be avoided. All complaints received must be logged in a complaint log, including any action that was taken in response. Please provide a copy of that complaint log to our office seven calendar days after the event.

Noise Ordinance

Previously, the ordinance required a winery owner to comply with the County Noise Ordinance when conducting marketing activities and special events. However, the Ranch Marketing Ordinance did not, even though it did require the County Noise Ordinance to be complied with when conducting marketing events. To ensure that special events are treated equally under both the Winery Ordinance and the Ranch Marketing Ordinance, the Ranch Marketing Ordinance was amended to require an operator of a ranch marketing area to comply with the County Noise Ordinance when conducting special events.

Enforcement

To protect ranch marketing from abuse, we also made changes to increase the fines for violations to start at \$250 for the first violation and will go up to \$1000 for the third or subsequent violations. If an operator of a ranch marketing area or winery owner has three substantiated violations or more occurring on separate dates within any 18-month period, the County has the ability to suspend the operator or winery owner from holding special events for six months after the date of that last violation. It is also important to recognize a substantiated violation does not include complaints that did not result in a formal Notice and Order issued by the County. Our office intends to work proactively with anyone who is taking reasonable steps to come into compliance.

Additional Event Types

Part of the new changes authorized a winery owner or operator of a ranch marketing area to hold up to 3 special events per calendar year that are charitable or fund raising events held for the benefit of a nonprofit organization that qualifies for exempt status under Section 501(c)(3) or 501(c)(6) of the Internal Revenue Code. An event that qualifies as a charitable event under these rules will not be counted towards the maximum amount of special events you can hold in a calendar year. If you have any questions on whether an event qualifies, or what forms of documentation you need to provide, please contact our office.

In addition, we added language authorizing a winery owner or operator of a ranch marketing area to hold room rental events that are not counted towards the maximum number of special events you can hold in a calendar year. A room rental event has to comply with the following:

1. It is held indoors or involves the rental portion of the winery or ranch marketing area or related facilities.
2. There will be no more than 40 persons in attendance.
3. No amplified music or amplified speech is allowed.
4. Only one room rental event may be held each calendar day.

Use Permits

As a reminder, Use Permits (CUP, SUP, TUP) may be required for some activities or land uses on agriculturally zoned lands. Many issues will trigger the need for a Use Permit, such as concerts, amplified music, number of attendees at an event, and number of events in a calendar year. If you are unsure about what is allowed by right on your property or whether you may need a Use Permit, please contact the Department of Agriculture (530)-621-5520 or the Department of Planning and Building at (530) 621-5355.

Administrative Permits for Ranch Marketing Reviewed by Agricultural Commissioner

Only special events held during the harvest season are allowed by right. An administrative permit is required for a special event held outside of the harvest season. We did not change this rule in the update, it has always been required. However, we did modify the Zoning Ordinance to authorize our office, rather than Planning and Building, to review administrative permits under the Ranch Marketing Ordinance. This was done to reduce the potential cost of the administrative permit. We are currently in the process of preparing the necessary forms for this change.

I want to extend my thanks again to the agricultural community for all your input and hard work on the updates to the Ranch Marketing and Winery Ordinance over the last few years. As we go through the process of implementation of the ordinance changes, please feel free to reach out to me with any thoughts or questions.

Sincerely,

A handwritten signature in cursive script that reads "LeeAnne Mila".

LeeAnne Mila