

**EL DORADO COUNTY DEVELOPMENT SERVICES  
PLANNING COMMISSION  
STAFF REPORT**



<b>Agenda of:</b>	November 13, 2008
<b>Item No.:</b>	12
<b>Staff:</b>	Roger Trout

**ZONING ORDINANCE AMENDMENT**

**FILE NUMBER:** Z03-0005 (Winery Ordinance)

**APPLICANT:** El Dorado County

**PROJECT:** Adoption of a Zoning Text Amendment to the El Dorado County Code to amend the Winery Ordinance.

**LOCATION:** The Zoning Text Amendment would apply County wide.

**ENVIRONMENTAL DOCUMENT:** Mitigated Negative Declaration Prepared.

**SUMMARY RECOMMENDATION:** Recommend Planning Commission forward a recommendation of approval to the Board of Supervisors.

**BACKGROUND:** Although "ranch marketing" has been part of El Dorado County Zoning since the early 1960's, the current ranch marketing and winery provisions of the Zoning Ordinance were adopted in 2001. (Ord. 4573, January 23, 2001) Minor amendments occurred in 2003 to establish the Agricultural Preserve Zone (AP) (Ord. 4636, August 19, 2003).

**Problems with existing Ordinance.** Over the years, there have been many questions regarding the provisions, including how they addressed certain issues, such as, but not limited to:

1. Minimum acreage for a winery;
2. Use of the Site Plan Review process;
3. Special Event and Promotional Event frequency and capacity;
4. Definition of a winery;
5. Relationship between Ranch Marketing and Winery Ordinance;
6. Access provisions (adequacy, maintenance)
7. Problematic nature of rezoning to AE/PA/SA-10
8. Parking provisions;
9. Agricultural Homestays;

**Meetings, Hearings, and Draft Ordinances.** The adoption of the winery ordinance in 2001 was accompanied by a plan to comprehensively review and revise the ordinance after one year. From 2002 through 2003 Planning Staff initiated a series of meetings with the Agricultural Commission and various stakeholders. Planning Staff had prepared the Public Review Draft Winery Ordinance (June 28, 2006).

The Board of Supervisors provided additional direction regarding the Winery Ordinance starting on November 14, 2006 (and continued throughout 2007). (Board of Supervisors Legislative File 06-1814) In summary, the Board directed staff to work with the Agricultural Commission, Economic Development Advisory Committee, and the Planning Commission and return to the Board for updates, as scheduled.

The “Winery Industry Subcommittee” prepared a modified winery ordinance (January 3, 2007) and it was further modified by the Agricultural Commission (January 4, 2007).

The Planning Commission discussed the three versions on January 25, 2007 and February 8, 2007. It was explained by staff that the focus of these discussions was to create a “project description” winery ordinance on which to base a CEQA document.

The Board approved a Resolution of Intention to amend the Zoning Ordinance on September 11, 2008 (Resolution 228-2007).

On October 16, 2007 the Board of Supervisors directed staff to use the September 11, 2007 draft ordinance as the project description and begin the EIR process. The Notice of Preparation was circulated for public comment February 20, 2008 through March 20, 2008. Proposals to prepare the EIR were solicited and received.

**Current Board Direction.** On July 1, 2008, the Board directed staff to modify the September 11, 2007 draft ordinance to:

1. Use the format of the March 17, 2008 Alternative Draft Ordinance; and
2. “Prepared in such a way that it can be circulated” with a Mitigated Negative Declaration.

Staff has revised the draft ordinance as directed, including necessary changes to avoid significant unavoidable impacts. The following are the more significant changes from the September 11, 2007 draft 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.

## **STAFF ANALYSIS**

**Project Description:** The September 8, 2008 Draft Winery Ordinance (Draft Ordinance) would replace the existing Winery Ordinance (Section 17.14.190). The purpose of the ordinance is to provide for the orderly development of wineries; encourage economic development, and implement the General Plan.

The Draft Ordinance identifies permitted and accessory uses associated with winery operations as well as additional development standards and operations standards that the wineries must comply with. Some of the important issues addressed in the Draft Ordinance include the following:

- 1. Acreage for Winery:** The Draft Ordinance establishes clearer provisions for the minimum acreage for wineries and accessory uses than the existing ordinance. Additional provisions are included to address situations such as for “Micro-wineries” and “Wineries with less than 5-acres of vineyard.”
- 2. Site Plan Review:** The Draft Ordinance puts less reliance on the Site Plan Review process to resolve land use compatibility issues. The Draft Ordinance uses the existing County Permit processes such as Administrative Permit, Minor Use Permit, Special Use Permit, and Temporary Use Permit.
- 3. Events:** Special Events, including promotional events and charitable events, are defined and limited in the Draft Ordinance. The current ordinance has no limits on the frequency of these events.
- 4. Definition of a winery:** Winery definitions are further clarified in the Draft Ordinance.
- 5. Relationship between Ranch Marketing and Winery Ordinance:** The Draft Ordinance clarifies that the special events allowed with the Winery Ordinance are not additive to the Ranch Marketing Ordinance.
- 6. Access provisions:** Access provisions are clarified to ensure that wineries use a County maintained road, or will be permitted only by a Use Permit, if on a non-County maintained road, to ensure resolution of any access adequacy or maintenance issues.
- 7. Problematic nature of rezoning to AE/PA/SA-10:** The Draft Ordinance establishes a limitation on special events and additional development standards that provide realistic and measurable provisions to evaluate when a property is being considered for a rezone to one of the Agricultural Zones that would potentially allow a winery. In addition, the format of the Draft Ordinance allows easier understanding of the potential development on a lot than the current ordinance.
- 8. Parking provisions:** Parking provisions are clarified over the current ordinance.

**9. Agricultural Homestays:** Agricultural Homestay provisions (similar to a bed and breakfast) in the current ordinance have been removed and will be incorporated into the comprehensive Zoning Ordinance update.

**General Plan:**

The General Plan Policies that are applicable to the Draft Ordinance are attached to the Initial Study as Appendix B and further discussed in the Findings, attached. The following Policies are specific to the Draft Ordinance.

**Policy 2.2.5.21:** Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

**Discussion:** The Draft Ordinance contains a number of changes from the existing ordinance to reduce potential land use compatibility impacts. The Draft Ordinance places a limit on the number of Special Events allowed without a Use Permit. The Draft Ordinance also limits the use of non-County Maintained Roads without a Use Permit. The Draft Ordinance contains a new provision that requires a Use Permit if the winery is located adjoining HDR, MDR, MFR, and LDR General Plan designations (when not located in an Agricultural District.)

**Policy 8.2.4.4** Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less.

**Discussion:** The Draft Ordinance implements Policy 8.2.4.4 by requiring a minimum of 10 acres of land and 5 acres of vineyard for a winery, similar to the existing ordinance. An additional provision has been included to reflect that the wineries are limited to 5 acres or 50 percent of the lot.

**Policy 10.1.6.1** The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

**Discussion:** The Draft Ordinance includes many of the same provisions of the existing ordinance that appears to be successful at encouraging expansion of the winery industry. Staff has observed that wineries are still being established at an average rate of about two new wineries per year and existing wineries continue to expand tasting rooms, winery capacity, and storage facilities.

**Conclusion:** As discussed above, staff finds that the project, as proposed/conditioned, conforms to the General Plan.

**Zoning:**

The Draft Ordinance would replace the existing Winery Ordinance in Section 17.14.190 of the County Code. At this time, no other changes to the Zoning Ordinance are proposed. However, as in the 2001 Winery Ordinance and Ranch Marketing Ordinance updates, various definitions in Chapter 17.06 or portions of the various Zone Districts could be considered for amendment if necessary.

**New Issues:**

AB 2004. Assembly Bill 2004 was approved and filed with the Secretary of State on July 16, 2008 and amended Section 23558 of the Business and Professions Code. This section generally clarified and permitted the winery industry practice of allowing wine sales on the premises. This was unclear under the previous law that implied that wine sales were limited to places that had an “eating place.”

AB 2004 clarified this issue, but in so doing, would also permit a winery to sell wine by the glass. Although, not dissimilar to charging a fee for wine tasting, AB 2004 may be permitting an additional use that was not contemplated in the current County Zoning code or in the Draft Ordinance.

Note that AB 2004 specifically permits a local jurisdiction to regulate these types of uses and does not preempt our authority. Staff considered potential impacts from AB 2004 and evaluated the need for additional provisions to limit hours of operation or restrict “wine sales by the glass.” However, there is no evidence to demonstrate that AB 2004 would result in significant additional impacts from wineries that were not generally anticipated within the Initial Study. Therefore, staff is not proposing any additional provisions in the Draft Ordinance because of AB 2004.

**ENVIRONMENTAL REVIEW**

Staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project has a significant effect on the environment. Based on the Initial Study, staff finds that the project could have a significant effect 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 Draft Ordinance and attached to the Initial Study as Appendix E.

The incorporation of the Mitigation Measures into the Draft Ordinance will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration has been prepared

**RECOMMENDATION**

Staff recommends that the Planning Commission forward a recommendation to the Board of Supervisors to:

1. Adopt the Mitigated Negative Declaration based on the Initial Study prepared by staff;
2. Approve Z03-0005, the Draft Ordinance that consists of the September 8, 2008 Winery Ordinance with the Mitigation Measures in Attachment 1, based on the Findings in Attachment 2.

## **SUPPORT INFORMATION**

### **Attachments:**

Attachment 1 .....	Mitigation Measures
Attachment 2 .....	Findings
Attachment 3 .....	September 8, 2008 Draft Winery Ordinance
Attachment 4 .....	Winery Ordinance Initial Study with Appendices (A-E)

# **ATTACHMENT 1**

## **MITIGATION MEASURES**

### **File Number Z03-0005, Winery Ordinance**

#### **Aesthetics:**

MM 1-1: All new wineries and expansion of existing wineries that exceed 10,000 square feet of floor area and visible from a County maintained road shall require a Design Review approval.

MM 1-1 Monitoring: The Design Review application shall be approved prior to issuance of the building permit.

MM 1-2: Tent structures that exceed 1,200 square feet of floor area and visible from a County maintained road shall be limited to 30 day periods, three times per calendar year, unless additional time frames are approved by the Development Services Director by a Temporary Use Permit, Site Plan Review, or Special Use Permit

MM 1-2 Monitoring: Development Services shall spot check for compliance and respond to any potential violations.

#### **Biological Resources:**

MM 4-1: Wineries and accessory structures in the Important Biological Corridor (IBC) land use designation shall adhere to these additional restrictions, unless mitigated through the CEQA process and a Conditional Use Permit.

1. Minimum lot size for winery and accessory structures is 20 acres.
2. A maximum of 2.5 acres of the lot may be used winery and accessory uses.
3. Structures shall be setback 200 feet for perennial streams and 100 feet for intermittent streams as shown on the USGS quad maps.

MM 4-1 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of the building permit.

#### **Cultural Resources:**

MM 5-1: Winery development on a lot identified by the County as being listed on the National Register of Historic Places (NRHP) and California Register of Historic Places (CRHR) shall be required to preserve the structure(s). Modifications or demolition of the structures shall only be approved based on recommendations from a cultural resource report that meets County guidelines.

MM 5-1 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

MM 5-2: Winery development within 100 feet of perennial or intermittent streams shall submit a cultural resource study prior to approval of grading or building permits. Cultural sites identified in the study and recommended for avoidance and protection shall be protected as recommended in the cultural resource study.

MM 5-2 Monitoring: All plans shall be reviewed by Development Services staff to ensure compliance prior to issuance of a building permit. Cultural reports shall be reviewed by the Development Services staff to ensure compliance with County guidelines and CEQA.

**Noise:**

MM 11-1: **Outdoor Amplified Music.** General Plan noise standards contained in Policy 6.5.1.7 and Table 6-2 shall be adhered to for all events featuring outdoor amplified music or amplified speech. For any events occurring between 7 p.m. and 10 pm, a noise analysis shall be submitted to the Development Services Department demonstrating that the noise standards will not be exceeded. No outdoor music will be permitted after 10 pm.

MM 11-1 Monitoring: This provision of MM 11-1 shall be incorporated into the Development Standards of the Draft Ordinance. Development Services staff, including the Code Enforcement Division, as well as the Sheriff's Office would enforce the standards.

## ATTACHMENT 2

### FINDINGS FOR APPROVAL

#### File Number Z03-0005, Winery Ordinance

#### FINDINGS FOR APPROVAL

##### 1.0 CEQA Findings

- 1.1 El Dorado County has considered the Mitigated Negative Declaration together with the comments received and considered during the public review process. The proposed Winery Ordinance Amendment, as mitigated, will not have a significant effect on the environment. The Mitigated Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this proposal.
- 1.2 El Dorado County finds that through feasible conditions and mitigation placed upon the project, impacts on the environment have been eliminated or substantially mitigated.
- 1.3 Public Resources Code Section 21081.6 requires the County to adopt a reporting or monitoring program for the changes to the project which it has adopted or made a condition of approval in order to mitigate or avoid significant effects on the environment. The approved Winery Ordinance Amendment has been modified to include mitigation measures as identified in the Initial Study. The incorporation of those provisions will serve as the monitoring program for this project.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is based are in the custody of the Development Services-Planning Services at 2850 Fairlane Court, Placerville, 95667, California.

##### 2.0 General Plan Consistency Findings

- 2.1 **Policy 2.2.2.2:** “The purpose of the Agricultural District (-A) overlay designation is to identify the general areas which contain the majority of the County’s federally designated prime, State designated unique or important, or County designated locally important soils (collectively referred to as “choice” agricultural soils) and which the Board of Supervisors has determined should be preserved primarily for agricultural uses. This designation does not imply any restrictions on agricultural uses in areas not designated specifically as an Agricultural District but only serves to identify agriculture as the principal activity and to discourage incompatible uses such as higher density residential use.

A. Agricultural Districts shall be used to conserve and protect important agricultural crop lands and associated activities, maintain viable agricultural-based communities, and encourage the expansion of agricultural activities and production.

B. The minimum residential parcel size for lands containing choice agricultural soils within an Agricultural (-A) District shall be twenty (20) acres or the minimum lot size established by the underlying land use designation, whichever is greater.

Residential parcels within Agricultural Districts where 70 percent or more of the parcel area is identified by the Agricultural Commission as land unsuitable for agriculture, as defined in “The Procedure for Evaluating the Suitability of Land for Agriculture,” may be considered for a minimum parcel size of ten (10) acres. Clustering of planned residential developments on “non-choice” agricultural soils within Agricultural Districts, that have been identified by the Agricultural Commission as land unsuitable for agriculture, may be allowed but in no case smaller than five (5) acres.

C. Ranch marketing is encouraged on lands engaged in agricultural production.”

**Finding:** The Draft Ordinance amendment is consistent with Policy 2.2.2.2 because it allows and permits winery uses within the Agricultural Districts on Agriculturally zoned lands, within the limits of other General Plan Policies such as Policy 8.2.4.4. The Draft Ordinance encourages agricultural activities by requiring a minimum of 5 acres of vineyard for wineries and accessory uses are allowed to supplement and encourage wineries and agriculture.

**2.2 Policy 2.2.5.10:** It is recognized that there are large Rural Regions within the County wherein agriculture is pursued, and these areas need certain support uses that are unique to agriculture and its related uses. While allowing for the establishment of such agricultural support services, this policy will protect the permitted uses of such agricultural areas by only allowing the establishment of such support services with a special use permit which will require a finding that the establishment of the use will have no significant adverse effect on surrounding property or the permitted uses thereof.

Uses which may be considered to be consistent with this policy are those which include but are not limited to feed stores, agriculture supplies and sales, veterinarian services, animal boarding, processing and/or sale of agriculture products, and the sale of firewood not produced or grown on the site. In addition to agriculture, the rural areas may allow other consistent uses in the form of but not limited to outdoor recreation and campgrounds and organized camps, retreats, fishing and hunting clubs, mineral extractions, and cemeteries. The following uses are allowed by right and do not require a special use permit: processing and/or sale of agricultural products, the sale of handicrafts or goods, picnic areas, and any other use allowed by right as specified in the Zoning Ordinance (“Ranch Marketing Ordinance”) provided that these activities are conducted on a site with a bona fide agricultural operation.

**Finding:** The Draft Ordinance is consistent with Policy 2.2.5.10 because it would specify provisions to allow wineries and accessory uses within the Rural Regions of the County as contemplated by this Policy. Although this Policy primarily focuses on the Ranch Marketing Ordinance, this is terminology consistent with the 1996 General Plan context. In 2001 the Ranch Marketing Ordinance was split into a “Ranch Marketing” section and a “Winery” section. The 2004 General Plan used the 1996 General Plan as a basis, but this policy was not amended to reflect the changing terminology and ordinance.

**2.3 Policy 2.2.5.21:** Development projects shall be located and designed in a manner that avoids incompatibility with adjoining land uses that are permitted by policies in effect at the time the development project is proposed. Development projects that are potentially incompatible with existing adjoining uses shall be designed in a manner that avoids any incompatibility or shall be located on a different site.

**Finding:** The Draft Ordinance is consistent with Policy 2.2.5.21 because there are a number of new provisions that minimize land use compatibility issues. The Draft Ordinance emphasizes wineries and accessory uses on larger parcels (10 and 20 acre parcels) primarily within the Agricultural Districts. For parcels not within Agricultural Districts, a Use Permit is required adjacent to HDR, MFR, MDR, and LDR General Plan land use designations. Access provisions, winery size limitations, setback standards, and limitations on special events also serve to minimize incompatibility issues between winery uses and residential uses.

**2.4 Policy 8.2.2.1:** Agricultural operations allowed by right on agricultural lands shall include, but not be limited to:

- A. Cultivation and tillage of the soil, grazing, dairying, irrigation, frost protection, cultivation, growing, harvesting, sound devices, use of approved fertilizers, pesticides, and crop protection;
- B. Processing of any agricultural commodity, including timber, Christmas trees, shrubs, flowers, herbs, and other plants;
- C. Raising of livestock, fur-bearing animals, and all animal husbandry;
- D. Culture or breeding of poultry and aquatic species;
- E. Commercial practices (ranch marketing) performed incidental to or in conjunction with such agricultural operations including the packaging, processing, and on-site sale of agricultural products produced in the County; and
- F. Agricultural resource management including wildlife management, recreation, tours, riding and hiking access, fishing, and picnicking.

**Finding:** The Draft Ordinance is consistent with Policy 8.2.2.1 because the winery ordinance provisions are a subset of the “ranch marketing” provisions in section E. The Draft Ordinance balances the allowance of agricultural operations, such as wineries, to occur on agricultural lands, with the land use compatibility requirements of Policy 2.2.5.21 and other limitations such as minimum acreage and crop size in Policy 8.2.4.4. and visitor serving use Policy 8.2.4.2.

**2.5 Policy 8.2.4.2** A special use permit shall be required for visitor serving uses and facilities providing they are compatible with agricultural production of the land, are supportive to the agricultural industry, and are in full compliance with the provisions of the El Dorado County Code and compatibility requirements for contracted lands under the Williamson Act.

**Policy 8.2.4.3** Visitor serving uses may include but are not limited to: recreational fishing, camping, stables, lodging facilities, and campgrounds.

**Finding:** The Draft Ordinance is consistent with Policies 8.2.4.2 and 8.2.4.3 in that provision for visitor serving uses generally requires a Use Permit. Agricultural Homestays (lodging facilities) are not permitted by the Draft Ordinance, but would generally be permitted by special use permit similar to a bed and breakfast. No campgrounds, stables, or other recreational activities are being permitted under the Draft Ordinance.

**2.6 Policy 8.2.4.4** Ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) are permitted on agricultural parcels, subject to a compatibility review to ensure that the establishment of the use is secondary and subordinate to the agricultural use and will have no significant adverse effect on agricultural production on surrounding properties. Such ranch marketing uses must be on parcels of 10 acres or more; the parcel must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production that are properly maintained. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less.

**Finding:** The Draft Ordinance is consistent with Policy 8.2.4.4 because the ordinance includes provisions generally limiting winery operations to lots that are 10 acres or more and have five acres of agricultural crops. Some exceptions are made for smaller wineries, but those facilities have additional provisions limiting their operations and also require approval of a Use Permit. Winery uses are also limited to 5 acres or 50 percent of the parcel, whichever is less.

**2.7 Policy 8.2.4.5** The County shall support visitor-serving ranch marketing activities on agricultural land, provided such uses do not detract from or diminish the agricultural use of said land.

**Finding:** The Draft Ordinance is consistent with Policy 8.2.4.5 because the ordinance allows a number of winery and accessory uses on agricultural lands with a number of provisions to minimize the impact on agricultural uses. The winery itself is required to be on a lot of 10 acres, with 5 acres of vineyard. Tasting facilities are required to be subordinate to the winery. Wine sales are limited to that allowed by an ABC Type 2 Winegrower's license. Marketing events are also subordinate to the winery. Uses such as dining facilities and large special events require a Use Permit to evaluate consistency with General Plan Policies such as Policy 8.2.4.5.

**Policy 10.1.2.4:** When adopting new regulations or procedures, both regulatory and business needs shall be reflected.

**Program 10.1.2.4.1:** Regulations shall include a means to accomplish regulatory needs with the least interference and/or barriers to business. Interested parties should be invited to participate in the development and review of new regulations.

**Program 10.1.2.4.2:** The County shall prepare an overview statement for proposed laws or administrative regulations including: (a) the purpose of the law and/or regulation; and (b) the relationship between stated purposes and other adopted laws and/or regulations of the County.

**Policy 10.1.5.4:** Recognize and promote agricultural based industries in El Dorado County and provide for the expansion of value added industries in an economically viable manner consistent with available resources.

**Policy 10.1.6.1:** The County shall encourage expansion of the types of local industries that promote tourism including but not limited to Christmas tree farms, wineries, outdoor sports facilities, Apple Hill and other agricultural-related activities, the County Fairground, bed and breakfast inns, and ranch marketing activities.

**Finding:** The Draft Ordinance is consistent with these policies from the Economic Development Element because the ordinance balances the needs to encourage economic development, allow flexibility in winery operations, and keep in check potential impacts from winery operations on non-compatible land uses, such as higher density residential development. The Draft Ordinance allows wineries and some accessory uses “by right” on a number of lots in the County, if they have the ideal parcel sizes, zoning, and location within an Agricultural District. Other wineries and accessory uses may be permitted by Use Permit.

### **3.0 Zoning Findings**

- 3.1 The project, as proposed and mitigated, would amend the El Dorado County Zoning Ordinance. All the necessary procedures required to amend the Zoning Ordinance have been followed including:
- 3.1.1: Resolution of Intention to Amend the Zoning Ordinance from the Board of Supervisors (Resolution 228-2007) as required by Chapter 17.10.
  - 3.1.2: Public Hearing with the Agricultural Commission on November 12, 2008, as required by General Plan Objective 8.1.4.
  - 3.1.3: Public Hearing with the Planning Commission on November 13, 2008 as Required by Chapter 17.10.
  - 3.1.4: Adequate public notice was provided for the Planning Commission Hearing.
  - 3.1.5: Adequate public notice was provided for the Board of Supervisors Hearing, including the recommendations of the Planning Commission.