

**ELDORADO COUNTY DEVELOPMENT SERVICES
STAFF REPORT**



Agenda of: April 13, 2006
Item No.: 8.a.
Staff: Lillian Mac Leod

STAFF REPORT – WILLIAMSON ACT CONTRACT/REZONE

FILE NUMBER: WAC06-0001/ Z04-0012

APPLICANT: Victor and Cheryl Alvarez

AGENT: Steve Shoemake

REQUEST: Williamson Act Contract placing the subject 185.16 acres into a new agricultural preserve and rezoning from Estate Residential Ten-acre (RE-10), Residential Agricultural Twenty-acre (RA-20), and Residential Agricultural Forty-acre (RA-40) to Exclusive Agriculture (AE).

LOCATION: On the east side of Four Springs Trail, at the intersection with Sly Park Road, in the Pleasant Valley area. (Exhibit A)

APN: 079-010-10, 079-010-76, and 079-010-79

ACREAGE: 185.16 acres

GENERAL PLAN: Natural Resource (NR) (Exhibit B)

ZONING: Estate Residential Ten-acre (RE-10);
Residential Agricultural Twenty-acre (RA-20); and
Residential Agricultural Forty-acre (RA-40) (Exhibit C)

ENVIRONMENTAL DOCUMENT: Mitigated Negative Declaration prepared

SUMMARY RECOMMENDATION: Conditional approval

BACKGROUND: The project parcel was created through boundary line adjustments, BLA03-0065 and BLA04-0022. The latter was approved March 23, 2004, and recorded as Parcel Map 49-5 on

June 10, 2005 (Exhibit D). The boundary line adjustments merged six parcels under the applicants' ownership into four. The subject Assessor's Parcel Numbers comprise Parcel 3 of the recorded map and are required as they are in three separate Tax Rate Areas. For sake of clarity, the subject parcels will be referred to as Parcel 3 or the project parcel in this staff report.

The applicants applied for and received Timber Harvest Permit 4-02-57/ELD-31 on August 23, 2002, in preparation for the subsequent Timberland Conversion Permit 03-519 (Exhibit G). Since the late 1800's, the parcels were historically used for timber harvesting, grazing, and agriculture according to research performed by the California Department of Forestry and Fire Protection as part of CEQA review required under their permit process. The conversion permit applied to what are now parcels 1, 2, 4, and the north-south linear portion of parcel 3 as shown on Parcel Map 49-5 (Exhibit G, page 3). Of the 256 acres under applicants' ownership, the conversion permit exempted 51 acres of second growth timberland from tree stocking requirements under the Forest Practice Act in order to facilitate development of a vineyard, winery, and tasting room. Subsequent to permit issuance, 28 acres of grapevines have been planted of which 23 acres are located within the project parcel. The other five acres are located on the adjacent parcel 4.

Grading permit 157104 was issued to widen and re-gravel approximately 2,150 feet of Four Springs Trail from its intersection with Sly Park Road to the future winery access road. The permit was finalized on September 27, 2005. Encroachment permit 154203 was issued March 23, 2004, subjecting the encroachment onto Sly Park Road to Standard 103D. To date, it has not been finalized.

Building permit 164592 was issued July 22, 2005, for a 6,080 square foot agricultural barn to be located on the project parcel. To date, the permit has not been finalized. Grading permit 165643 was issued June 9, 2005, and amended July 13, 2005, to include the addition of a pad for water storage tanks that will be used in lieu of the 50,000 gallon water tank shown on the site plan (Exhibit E).

STAFF ANALYSIS

Project Description: The applicants are requesting to enter Parcel 3 into a Williamson Act Contract and to rezone the parcel from Estate Residential Ten-acre (RE-10), Residential Agricultural Twenty-acre (RA-20), and Residential Agricultural Forty-acre (RA-40) to Exclusive Agricultural (AE) as required under the General Plan.

Site Description: The project parcel consists of 185.16 acres and is accessed directly off of Sly Park Road by way of Four Springs Trail, a non-County maintained road. Four Springs Trail consists of a 30 foot wide right-of-way irrevocably offered in dedication to the County. The applicants have widened and graveled the road surface in anticipation of the winery operation. The property has varied terrain with moderate to steep slopes. Vegetation consists of mixed conifer woodland and open grassland areas.

Tree clearing has been done in conformance with the approved Timber Harvest Plan. The clearings within the upper third of the parcel have been either planted with grape vines or staked prior to planting. The remainder of the cleared area has been planted with a cover crop to minimize erosion. Presently, 23 acres have been planted with wine grapes, with future plans calling for a maximum of 31.5 acres under cultivation. Deer fencing is in place around each vineyard.

The applicants have constructed a 6,080 square foot structure to serve as an agricultural barn accessory to the vineyards. Future plans call for the conversion of the barn into a winery facility and construction of a 2,100 square foot tasting room/office with an 800 square foot storage facility. Irrigation and fire suppression are presently being handled by two wells producing 50 gallons per minute (gpm) and 5 gpm each, and five water storage tanks with a total 50,000 gallon capacity. A man-made detention pond with filtration system for on-site runoff lies east of the intersection of Four Springs Trail and the northernmost vineyard access way.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RE-10, RA-20, RA-40	NR	Vineyards
North	RE-5, RE-10	MDR	Single-family residences
South	RA-20, OS, TPZ	NR	BLM land
East	RE-10, RA-20, RA-160	NR	Single-family residences, vineyard, US Forest Service
West	RE-10	RR, NR	Single-family residences

General Plan: The General Plan designates the subject site as Natural Resource (NR). Under Policy 2.2.1.2, this designation identifies areas containing one or more important natural resource such as timberland and river corridors and protects them from encroachment of development. Agriculture is a compatible use that is allowed under NR. At 185.16 acres, the project parcel exceeds the minimum parcel size of 40 acres required under this designation. Further, it also meets the developmental density requirement of one dwelling unit per 160 acres.

Discussion: The project parcel has the Natural Resource (NR) land use designation which applies to and meets all criteria applicable to this designation. In applying for and receiving a Timberland Conversion Permit (TCP) for 51 acres of “timber production” area, the applicants have complied with the necessary laws governing the management of this natural resource on the 256 acres under their ownership. Camp Creek flows across the southern end of the project parcel. The TCP did not authorize any tree clearing within this river corridor, and the applicants propose to leave this area free from development.

Policy 2.2.5.6: Where approval of this General Plan has created inconsistencies with existing zoning, lower intensity zoning, in accordance with Table 2-4, may remain in effect until such time as adequate infrastructure is available to accommodate a higher density/intensity land use.

The initial project application was for a rezone from the existing zone districts to Planned Agriculture (PA). The 40 acre minimum requirement imposed upon the project parcels with approval of the General Plan Natural Resource (NR) land use designation created an inconsistency with the existing RE-10 and RA-20 zone districts in that they allow a higher intensity development pattern than what would be allowed under the land use designation.

Due to the parcel size and the compatibility of the proposed agricultural use, as well as the option under 17.36.160A to allow a minimum parcel size greater than 20 acres with discretionary approval, staff originally believed that the PA Zone District was consistent with the NR designation. However, under Table 2-4 in the General Plan, PA is not consistent with the NR designation regardless of minimum parcel size, even though other agricultural zone districts, such as RA-40 are. A Mitigated Negative Declaration was prepared based on this application. Circulation of the document was withdrawn when the error was realized, and the applicants subsequently withdrew their request and opted to enter into a Williamson Act Contract and rezone to AE instead.

Policy 8.1.1.6 states that pursuant to the California Land Conservation Act, parcels under a Williamson Act Contract shall be zoned Exclusive Agriculture (AE).

Discussion: Under Table 2-4, the Natural Resource (NR) designation supports the Exclusive Agriculture (AE) Zone District that is applied to parcels that are subject to the Land Conservation Act of 1965, or the Williamson Act. The property meets the criteria of having choice soils as determined by the El Dorado County Agricultural Commission, and is listed as Farmland of Local Importance by the State Farmland Mapping and Monitoring Program. Approving the Williamson Act Contract request would help to preserve the parcel for agricultural use. The NR designation permits a rezone to AE as it supports the agricultural uses of this zone.

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 the 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: Presently, existing uses on adjacent parcels consist of single-family residences to the north, east, and west, and viticulture to the east and west. Land to the south is under ownership of the U.S. Bureau of Land Management. The agricultural development of the project parcel is in keeping with the land use pattern within the Rural Region as discussed under Objective 2.1.3 of the General Plan. Uses that are accessory to agricultural development, such as a winery and tasting room, are subject to setback buffers under the Zoning Ordinance in order to limit impacts on any incompatible uses found on adjacent parcels. As discussed under the *Other Issues: Setbacks* section of this staff report, the proposed winery and tasting room facilities exceed these setbacks.

Policy 6.5.1.7: Noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 6-2 for noise-sensitive uses.

Discussion: Amplified, outdoor sound systems are not included in §17.14.190 of the Winery Ordinance and are therefore prohibited. Sound generated as a result of outdoor special events must comply with the standards of Table 6-2. Policy 6.5.1.2 states that non-residential land uses likely to produce noise levels exceeding these standards require an acoustical analysis as a part of discretionary review. Based on these policies, the applicant will be required to obtain a special use permit if an amplified, outdoor sound system will be utilized during special events. This requirement has been included as a mitigation measure for the rezone request.

Conclusion: As discussed above, staff finds that the proposed rezone conforms to the existing General Plan land use designation in that the project parcel meets both the minimum parcel size of 40 acres and the required 160 acre minimum for residential density, the AE Zone District is compatible with the designation under Table 2-4, the vineyard and proposed accessory uses are or will be developed in a manner that manages and protects the existing natural resources, and impacts on the adjacent land from the resultant or potential uses, as addressed in the above discussions and as mitigated, will be less than significant.

Zoning: The Estate Residential Ten-acre (RE-10), Residential Agricultural Twenty-acre (RA-20), and Residential Agricultural Forty-acre (RA-40) zone districts allow one residence per 10, 20, or 40 acre parcel, respectively. However, the current zoning is not compatible with the NR land use designation which restricts density to one dwelling unit per 160 acres on property outside National Forest Service land, but within “timber production” areas, such as the project parcel.

Agricultural preserves are established through the execution of a Williamson Act Contract between the County and the landowners, and includes the rezoning of the land to Exclusive Agriculture (AE) unless the property is already zoned AE. The purpose of the AE zone is to implement the Land Conservation Act of 1965, and to encourage the sustainable use of county farmland for agricultural production. Under §17.36.070, one single family dwelling is allowed within each AE preserve. In this case, one dwelling unit for the 185.16 acre project parcel is in compliance with the density requirement of one dwelling unit per 160 acres under the NR land use designation.

The County’s criteria and procedures for qualifying for a Williamson Act Contract are contained in the Board of Supervisors’ Resolution No. 188-2002. There are three criteria identified in this resolution that are required for the establishment of an agricultural preserve. As they pertain to this application they are:

1. Minimum acreage:
 - A. For high intensive farming operations:
 - i. An agricultural preserve shall consist of a minimum of twenty (20) contiguous acres.
2. Capital outlay:
 - A. Methods for determining a value of capital outlay shall be determined by the Agricultural Commission.
 - B. For high intensive farming operations:

means of doing so, §17.06.150 establishes special setbacks of up to 200 feet for non-compatible uses on parcels five acres or larger that are adjacent to AE zoning. However, subsection B of this ordinance creates an exception to existing parcels by requiring the setbacks only on those parcels subdivided after the establishment of the agricultural zoning, if said rezoned parcel is outside of General Plan-designated agricultural districts:

Where new timberland or agricultural land is created subsequent to the adoption of this ordinance outside of agricultural districts designated in the general plan the special setbacks established in subsection A shall not apply except on parcels subdivided after the establishment of the agricultural or timber zoning.

In addition, General Plan Policy 8.2.2.5 requires new parcels created through subdivision to be large enough to “allow for an adequate setback from the surrounding agricultural parcels for any incompatible uses.” The land use designations of the adjacent parcels would insure an adequate parcel size is created. Finally, under Resolution 176-97, the Board of Supervisors has adopted criteria and procedure for administrative relief from agricultural setbacks for any subsequently created parcel, as provided under subsection C.

Access: Ordinance §17.14.190(D)(3c) reads as follows: “Where a proposed wine tasting facility is located on a private road and is outside general plan designated agricultural district boundaries, a special use permit shall be required.” The Planning Director has determined that the intent of this ordinance was to mitigate impacts from private roads that pass through separately owned property before accessing a tasting room. Based on this determination, the applicants revised BLA04-0022 to incorporate the Four Springs Trail right-of-way entirely within the project parcel. Access to the proposed winery and tasting room facilities is directly off Four Springs Trail by way of Sly Park Road, a County maintained road classified as a rural minor arterial. Four Springs Trail is a 30 foot wide, non-exclusive road easement. On June 10, 2005, the applicant recorded an irrevocable offer of dedication (IOD) to the County for that portion of Four Springs Trail located entirely within the project parcel under Parcel Map 49-5, Document No. 2005-0047932 (Exhibit D, page 3).

Since June 1986, the County has required offers of dedication of road easements on parcel maps, and the County routinely has accepted such road easements, though maintenance has not been accepted. An IOD recorded through a parcel map and accepted by the County makes the road easement public even if not maintained by the County. To access the future winery and tasting room facilities, traffic will impact the applicants’ property only by utilizing public roads that have been irrevocably offered in dedication to the County. Therefore, this property will not require a special use permit for the winery and tasting room facilities.

Conclusion: The request to enter into a Williamson Act Contract meets all requirements of the Board of Supervisors’ Resolution No. 188-2002, as determined by the Agricultural Commission. The rezone to Exclusive Agricultural (AE) is consistent with the Natural Resource (NR) land use designation’s density standards unlike the existing zoning. Consistency with development standards under the AE Zone District, the Winery Ordinance, and §17.06.150 regarding access and agricultural setbacks involving the project parcel as well as adjacent parcels have either been met or will be required through the building permit process.

Agency and Public Comments: The following agencies provided comments on this application. Copies of their written comments are available at the Planning Services office. From these comments, the following issues were raised:

Agricultural Commission: At their hearing on February 8, 2005, the commissioners voted unanimously to recommend approval of the request to enter the project parcel into a Williamson Act Contract, as all established criteria have been met.

Department of Transportation: On July 14, 1859, the Board of Supervisors ordered the portion of Sly Park Road from Pleasant Valley to Sly Park Lake opened to a width of 60 feet. Unfortunately, no formal easement was recorded along the affected parcels to formalize this order. Under BLA 04-22, the applicants irrevocably offered to dedicate to the County 40 feet of right-of-way along their frontage of Sly Park Road. The Department of Transportation has determined that no further obligation on the part of the applicants is required.

Impacts on Four Springs Trail from the subsequent uses allowed under the rezone will be mitigated through applicable design and improvement standards. The applicant will be required to make an irrevocable offer of dedication for all private roadways abutting or running through Parcel 3 as further mitigation to protect those property owners utilizing them for access.

California Regional Water Quality Control Board: Waste Discharge Requirements (WDRs) or a waiver must be adopted by the Regional Board before any wastewater can be discharged to the land. If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicant must submit a Report of Waste Discharge with the Regional Board. Also, an NPDES *General Permit for Storm Water Discharges Associated with Construction Activities* is required when one acre or more of soil will be disturbed. These requirements will be applied as mitigation measures.

Subsequent comments received from the RWQCB on the Mitigated Negative Declaration (MND) sought to clarify the application and timing for the Waste Discharge Permit. Under §VIII (a) of the MND, the Permit will be required prior to final occupancy of the winery facility and not prior to approval of the sewage disposal system. In order to clarify the issue, Mitigation Measure 3 will be revised to read:

“Prior to discharging any winery related wastewater to the land, the applicants shall meet Waste Discharge Requirements (WDRs) of the Regional Water Quality Control Board (RWQCB). If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicants shall submit a Report of Waste Discharge with the RWQCB.”

While the content of Mitigation Measure 3 falls under State regulations and would be required with or without a mitigation measure, staff has disclosed this requirement in the

Initial Study for the public, Planning Commission, and Board of Supervisor's information, as waste disposal is usually a County Environmental Management issue.

El Dorado County Hazardous Materials Division: If the winery operation involves the storage of reportable quantities of hazardous materials, a hazardous materials business plan must be submitted to the Department and applicable fees paid. This requirement will be applied as a mitigation measure.

Environmental Health: Prior to applying for a building permit, a *Declaration of Small Water System Status* form must be submitted to the department in order to determine if the project will require a water system permit. If wine tasting activities include the preparation, storing or retail sale of food, further requirements are necessary, and the applicant must contact the department for assistance. These requirements will be applied as a mitigation measure.

El Dorado County Fire Protection District: As the El Dorado Irrigation District (EID) does not provide service to the site, a non-public water system, consisting of wells and storage tanks, must be reviewed and approved by the Fire District. Buildings over 3,600 square feet are required to install an engineered fire sprinkler system, which will reduce fire flow requirements by 50 percent. Fire flow requirements are based on building type and size. As such, fire flow for a 5,000 square foot type V-N building will require 1,500 gallons per minute (gpm) for two hour duration at 20 psi. Review and approval of the water system will be required prior to final occupancy under the building permit process. In addition, a minimum 20 foot wide all-weather access road to within 150 feet of all exterior portions of proposed structures shall be required, with either adequate emergency vehicle turn-around or a loop access road. Access roads must have 13.5 feet vertical clearance, 25 foot inside turning radius, and be capable of supporting a 40,000 pound load. These requirements will be applied as a mitigation measure.

California Department of Conservation: Comments were received from the Department regarding impacts from winery operations on agricultural land and resources that found processing, sales, and public wine tasting as being compatible with the California Land Conservation (Williamson) Act. The Department advised the County to apply the principles of compatibility to such uses as restaurants, large and frequent public gatherings, and extensive commercialization when considering winery proposals. The Winery Ordinance allows a winery by right on agriculturally zoned land of 20 acres or more with five acres of crop maintained. Accessory, incidental uses are also allowed in conjunction with a winery but are not allowed to be the sole or primary activity on site. Restaurants are not allowed at all under the ordinance. Finally, issues associated with the Ranch Marketing or Winery Ordinances will be addressed through the County's ordinance revision process currently underway.

California Department of Fish and Game: Comments received from the Department regarding stream buffers and wildlife migration corridors suggested recording these areas as easements on the 'final map'. The application is for a Williamson Act Contract and the required rezone under General Plan policy. No map will be recorded as a result. However,

the issues of wildlife corridors and deer fencing were addressed in the Mitigated Negative Declaration, with deer fencing being allowed under §17.30.080(B), as agricultural use of the land permits by right, “the growing of trees, fruits ... and other crops, and *any structure or use incidental or accessory* to any of the foregoing uses.” The applicant will leave brush and tree-protected corridors open between fenced vineyard units to allow for deer and wildlife passage.

A maximum of 31 acres of proposed vineyards will be fenced out of the total 185 acres. Of the unfenced acreage, approximately 108 acres in the southern portion of the project parcel within the Camp Creek corridor will remain undisturbed for wildlife purposes. The Department commented on the location of the winery and proposed tasting room facilities with the suggestion that they be relocated outside the migration corridors. As the entire property minus the fenced vineyards is to be open as migration corridors it would not be feasible to relocate the facilities.

A comment correcting the name of the deer herd from ‘Mendocino’ to ‘Grizzly Flat’ was made; however, the deer herd information was obtained from the ArcMap application as a shapefile with supporting data provided to the County by the Department of Fish and Game, itself. Any errors in the data will need to be corrected by the Department.

Lastly, a 25 foot stream setback was suggested for the Camp Creek corridor. Under General Plan Policy 7.3.3.4, “until standards for buffers and special setbacks are established in the Zoning Ordinance, the County shall apply a minimum setback of 100 feet from all perennial streams, rivers, lakes, and 50 feet from intermittent streams and wetlands.” Further, under Policy 7.1.2.7 “agricultural grading activities that convert one acre or more of undisturbed vegetation to agricultural cropland” shall obtain a grading permit through the Agricultural Commissioner’s office requiring discretionary approval that will insure the stream setbacks are maintained.

These agencies had no specific concerns regarding the proposed project:

**Resource Conservation District
Air Quality Management District**

Early comments from the public regarding the initial rezone request to Planned Agriculture (PA) included letters from neighbors in the vicinity. As the winery uses allowed by right under the current rezone to AE are similar to those in PA, the issues raised in the letters are still valid. Letters have been submitted both in support of and against the development of the project parcel.

The letters in opposition raised several issues, such as increased speed along the widened portion of Four Springs Trail as well as increased dust from speeding traffic. However, any speeding that has occurred could not be caused by winery related traffic on the applicants’ part, as that facility has not been developed yet. The applicants have indicated they will surface Four Springs Trail under permit 154203, from the encroachment onto Sly Park Road to the entrance to the winery and tasting room, a distance of approximately 2,150 feet. The County will insure this by adding the requirement to fire

safe standards as a mitigation measure. The greater traffic impact will occur as a result of special events, defined under §17.06.050SS as “weddings, parties, company picnics, birthdays, reunions, or other social gatherings where the owner of the property is compensated for the use of the site and facilities.” The mitigation measure will reflect this.

Another area of concern involved deer fencing installed along Four Springs Trail adjacent to the vineyards. It was felt that the fencing either forced migrating deer into the roadway, or prevented them from migrating through the parcel at all. However, deer fencing is allowed by right in the current as well as proposed zone districts, providing it is outside the 30 foot road easement and meets the requirements under §17.14.155 for placement within the front setback. A site visit performed by staff on February 23, 2006, confirmed that these requirements have been met. Over 100 acres will be left open as a wildlife corridor by the applicant, which should be sufficient in mitigating impacts on migrating deer (Exhibit G, page 4).

Finally, a concern was expressed that the winery and tasting room will create more public travel on Four Springs Trail beyond the parcel boundaries. The applicants have agreed to post a sign discouraging public travel along the road system past the winery facilities. The County has required this as a mitigation measure.

Letters in support included one from an adjacent neighbor supporting the proposed uses with mitigation, as well as one from a past member of the Horticultural Farm Advisory for the University of California Cooperative Extension in El Dorado County commending the agricultural potential of the property. All letters are on file within Planning Services.

Letters received after the preparation of this report containing substantive information not previously addressed in the Mitigated Negative Declaration will be addressed at the hearing.

ENVIRONMENTAL REVIEW

The request to enter into a Williamson Act Contract is categorically exempt from CEQA review under §15317 which states, “Class 17 consists of the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easement or fee interests in or to maintain the open space character of the area.” However, the rezone to AE requires further CEQA 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 on hydrology, noise, traffic, water service systems, or as a result of hazardous materials or waste. However, the project has been modified to incorporate the mitigation measures identified in the Initial Study which will reduce the impacts to a level considered to be less than significant. Therefore, a Mitigated Negative Declaration with a Mitigation Monitoring Program (Exhibit H) has been prepared.

This project is found to be de minimis (having no effect on fish and game resources). Pursuant to Resolution No. 240-93, a \$35.⁰⁰ processing fee is required by the County Recorder to file the Notice

of Determination and Certificate of Fee Exemption with the State in accordance with State Legislation (California Fish and Game Code Section 711.4).

RECOMMENDATION

Staff recommends that the Planning Commission forward the following recommendations to the Board of Supervisors:

1. Adopt the Mitigated Negative Declaration for Z04-0012/WAC06-0001 based on the Initial Study prepared by staff;
2. Approve WAC06-0001 to establish an agricultural preserve of 185.16 acres for Assessor’s Parcel Numbers 079-010-10, 079-010-76 and 079-010-79, subject to the Mitigation Measures contained in Attachment 1, based on the findings listed on Attachment 2; and
3. Approve the request to rezone Assessor’s Parcel Numbers 079-010-10, 079-010-76 and 079-010-79 from Estate Residential Ten-acre (RE-10), Residential Agricultural Twenty-acre (RA-20), and Residential Agricultural Forty-acre (RA-40) to Exclusive Agriculture (AE), subject to the Mitigation Measures contained in Attachment 1, based on the findings listed on Attachment 2.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Mitigation Measures
Attachment 2	Findings
Attachment 3	WAC 06-01 Application
Exhibit A	Vicinity Map
Exhibit B	General Plan Land Use Map
Exhibit C	Zoning Map
Exhibit D	Parcel Map 49-5 & Owners’ Statement (IOD)
Exhibit E	Site Plan
Exhibit F	Enlarged Site Plan
Exhibit G	Timberland Conversion Permit
Exhibit H	Mitigation Monitoring Program & Agreement Form
Exhibit I	Assessor’s Parcel Map

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ATTACHMENT 1
Mitigation Measures

FILE NUMBER WAC06-0001/Z04-0012

Mitigation Measures:

1. If a future winery facility involves the storage of reportable quantities of hazardous materials, then prior to building permit issuance the applicant shall submit a hazardous materials business plan to the Solid Waste and Hazardous Materials Division of Environmental Management, to include payment of applicable fees.
2. Prior to building permit issuance for a winery facility, a non-public water system must be reviewed and approved by the El Dorado County Fire Protection District. Prior to final occupancy of the winery, a minimum 20 foot wide, all-weather access road to within 150 feet of all exterior portions of the structure shall be required, with either adequate emergency vehicle turn-around or a loop access road. Access roads must have 13.5 feet of vertical clearance, a 25 foot inside turning radius, and be capable of supporting a 40,000 pound load.
3. Prior to discharging any winery related wastewater to the land, the applicant shall meet Waste Discharge Requirements (WDRs) of the Regional Water Quality Control Board (RWQCB). If the winery crushes less than 80 tons of grapes per year, produces less than 100,000 gallons of wastewater annually, or collects and hauls all process wastewater off-site for disposal, the applicant can apply for a waiver of WDRs. Otherwise, the applicant shall submit a Report of Waste Discharge with the RWQCB.
4. The applicant will be required to obtain a special use permit if an amplified, outdoor sound system will be utilized during special events.
5. The applicant shall be subject to an encroachment permit, Std. Plan 103D, with a minimum width of 24 feet for the Four Springs Trail entrance to Sly Park Road. Construction shall be completed under permit 154203, prior to final occupancy of a winery.
6. Prior to holding any special events, the applicant shall improve Four Springs Trail from the encroachment off Sly Park Road to the winery and tasting room access way. Improvements will consist of surfacing with chip seal or asphalt concrete 18 feet of width with 1 foot shoulders on each side.
7. Prior to final occupancy of a winery, the applicant shall post a sign on Four Springs Trail discouraging public travel along the road system beyond the winery facilities. The sign shall conform to Standard Plan 105-C for dimensions and materials, and shall read: "End Winery Road – No Trespass".

8. Prior to applying for a building permit for a winery or wine tasting facility, the applicant shall submit a *Declaration of Small Water System Status* form to Environmental Health in order to determine if the project will require a water system permit. If wine tasting activities include the preparation, storing or retail sale of food, then the applicant shall be subject to further requirements and must contact the department for assistance.
9. Subsequent to approval of the subject rezone by the Board of Supervisors, Planning Services shall record Notices of Restriction on Assessor's Parcel Numbers 079-010-10, 079-010-76 and 079-010-79 consisting of Mitigation Measures 1 through 8. The applicant shall be responsible for all recordation fees.

ATTACHMENT 2 **FINDINGS**

FILE NUMBER WAC06-0001/Z 04-0012

1. The Williamson Act Contract and rezone will not have a significant effect on the environment, based on the analysis contained in the Initial Study, and a Mitigated Negative Declaration has been filed. Further, the project will not affect wetlands, water courses, riparian lands, unique plant or animal life and habitats, or other terrestrial matters under the jurisdiction of the State Department of Fish and Game. Therefore, the project has a de minimis impact on the environment and a Certificate of Fee Exemption (DFG 753.5-5/91 is applicable.

2. The proposed use is consistent with the policies in the El Dorado County General Plan, in that:
 - the project parcel meets both the required 40 acre minimum of the Natural Resource designation and the required 160 acre minimum for residential density found under Policy 2.2.1.2,
 - the Exclusive Agriculture rezone request is consistent with Policy 8.1.1.6 requiring the rezone as part of entering into a Williamson Act Contract,
 - the Exclusive Agriculture zone district is compatible with the land use designation under Table 2-4,
 - the agricultural use is consistent with the land use pattern established for the Rural Region under Objective 2.1.3,
 - the vineyard and proposed accessory uses are or will be developed in a manner that manages and protects the existing natural resources in compliance with Policy 2.2.1.2, and
 - the impacts on adjacent parcels from the resultant or potential uses will be reduced to less than significant through compliance with agricultural setbacks established in the County Code and the Mitigation Monitoring Program in order to avoid any incompatibility with the surrounding area in compliance with Policy 2.2.5.21.

3. The property satisfies the County's three criteria for the establishment of an Agricultural Preserve, as defined in Resolution Number 188-2002, as follows:
 - a. The 20-acre minimum has been met, as the property consists of 185.16 acres.

- b. Capital outlay has been achieved over time with the on-site agricultural improvements of well and irrigation system, trellises, vines and plantings totaling \$170,000.
- c. The land has been determined to be capable of making a profit through viticulture with projected income from the existing 10.5 acres of grape plantings equaling \$28,284.