

**EL DORADO COUNTY DEVELOPMENT SERVICES
PLANNING COMMISSION AND
BOARD OF SUPERVISORS
STAFF REPORT**



Agenda of: December 13, 2007
Item No.: 4.b.
Staff: Tom Dougherty

WILLIAMSON ACT CONTRACT/ZONE CHANGE

FILE NUMBER: WAC07-0001/Z07-0030

APPLICANT: Tammy Isaak

AGENT: Joel Korotkin

REQUEST: Request to establish a new agricultural preserve on 24.501 acres, and a zone change from Residential Agricultural Twenty-acre (RA-20) to Exclusive Agriculture (AE).

LOCATION: On the north side of Sandridge Road, at the northwest corner of the intersection with Mariah Lane, in the Somerset area, Supervisorial District II. (Exhibit A)

APN: 046-041-17

ACREAGE: 24.501 acres

GENERAL PLAN: Rural Residential - Important Biological Corridor (RR - IBC). (Exhibit B)

ZONING: Residential Agricultural 20-acre (RA-20). (Exhibit C)

ENVIRONMENTAL DOCUMENT: The Williamson Act Contract request is exempt from the requirements of CEQA pursuant to Section 15317 of the State CEQA Guidelines. For Z07-0030, a Mitigated Negative Declaration was prepared.

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

1. Certify that the WAC07-0001 is Categorically Exempt from CEQA pursuant to Section 15317 and adopt the Mitigated Negative Declaration and the Mitigation Monitoring Program for Z07-0030, based on the Initial Study prepared by staff;
2. Forward a recommendation to the Board of Supervisors to approve WAC07-0001 based on the findings in Attachment 2; and
3. Forward a recommendation to the Board of Supervisors to approve of Z07-0030 based on the findings in Attachment 2.

BACKGROUND: The 24.501-acre parcel (APN 046-041-17) was created by exception when the gift deed Official Record 1677-270, September 22, 1978 was split out creating three parcels by default. The current zoning designation of Residential Agricultural 20-acre was established by the South County Area Plan on January 14, 1983. The parcel was the subject of Certificate of Compliance COC04-0133 which was finalized by the El Dorado County Surveyor's Office on November 15, 2004.

STAFF ANALYSIS

Request: The applicants are requesting to establish a new agricultural preserve on 24.501 acres. County Code requires that they also request a zone change from Residential Agricultural 20-acre (RA-20) to Exclusive Agriculture (AE) because Williamson Act contracts can only be granted on lands zoned AE.

Site Description: The parcel currently contains a 2,616 square foot single-family residence finalized in December of 2004. The parcel has somewhat steep, rolling terrain with the dwelling sitting atop a hill in the center. There are existing native oak and pine trees surrounding the perimeter of the parcel and the scattered existing grape and olive orchards. There is a small man-made pond in the southwest corner near the intersection of Mariah Lane and Sandridge Road. The orchards are partially terraced into the hillsides in some spots and all the interior roadways, fencing and irrigation systems are established.

Adjacent Land Uses:

	Zoning	General Plan	Land Use/Improvements
Site	RA-20	RR - IBC	Residential, agriculture, single family dwelling
North	RA-20	RR - IBC	Residential, single family dwelling
South	RA-20	RR	Residential, single family dwelling
East	RE-5	LDR - IBC	Residential, single family dwelling

West	RA-20	RR - IBC	Residential, ranching, agriculture, single family dwelling
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Discussion: The rezone of this 24.501-acre parcel will not create any land use conflicts, since many of the surrounding parcels are 5 acres or larger, already subject to agricultural setback requirements, and most are involved in some sort of commercial or hobby-type agricultural activity. The El Dorado County Agricultural Commission staff acknowledged that as the parcel is already zoned RA-20, 200-foot setbacks and ten-acre buffering from increases in density on adjacent lands for any parcel created adjacent to the agriculturally zoned lands already exist regardless of the rezone.

General Plan: The General Plan designates the subject site as Rural Residential (RR) which permits a minimum parcel size of 10 acres. The proposed 24.501-acre parcel therefore conforms to the General Plan land use designation. The parcel is also located within the Important Biological Corridor (IBC) overlay which applies to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. Williamson Act Contracts allow only one residential dwelling for each contract. Additionally, the following General Plan policies apply to this project:

Policy 2.2.5.2 directs that all applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is made that the project or permit is consistent with the General Plan. The proposed Agricultural Preserve and rezoning of the subject parcel to AE will be consistent with **Policy 2.2.2.2** in that the parcel contains 20 acres or more. The parcel is currently involved in growing grapes and olives for commercial uses and the rezone to Exclusive Agriculture would only enhance the agricultural production. The zone change to AE will not preclude the existing residence from being included within a future agricultural preserve, as long as it is the only residence within that preserve.

Policy 2.2.5.3 directs that the County shall evaluate future rezoning: *(1) To be based on the General Plan's general direction as to minimum parcel size or maximum allowable density; and (2) To assess whether changes in conditions that would support a higher density or intensity zoning district.* The specific criteria to be considered include; but are not limited to, the following:

1. *Availability of an adequate public water source or an approved Capital Improvement Project to increase service for existing land use demands;*

Discussion: There are two existing wells serving the subject parcel producing 3.5 gallons per minute (gpm) and 26 gpm of water respectively. The existing 5.5 acres of vineyard and one acre of olive trees are adequately irrigated. Planning staff is recommending that Mitigation Measure 9 be implemented, and that any future development for any potential winery and tasting room that it be implemented.

2. *Availability and capacity of public treated water system;*

Discussion: There is no public treated water system available. The subject parcel is served by existing wells.

3. *Availability and capacity of public waste water treatment system;*

Discussion: Public wastewater is not available in this rural region. A septic system exists on the subject parcel currently used by the existing single-family dwelling.

4. *Distance to and capacity of the serving elementary and high school;*

Discussion: As the proposed rezone will not change the existing residential use of the existing single-family dwelling, it will not impact elementary and high school enrollment.

5. *Response time from the nearest fire station handling structure fires;*

Discussion: The Pioneer Fire Protection District is responsible for providing fire protection to the subject site. The rezoning of the project area will not increase the response time needed for the existing residence that has held the same location since 2004.

6. *Distance to nearest Community Region or Rural Center;*

Discussion: The project site is located approximately 1.04 miles southwest of the Rural Center of Somerset and 1.9 miles north of the Rural Center of Grey's Corner. The project area is surrounded by compatible land uses.

7. *Erosion hazard;*

Discussion: The *Soil Survey of El Dorado Area, California, 1974* did not indicate that the project site was located on expansive soil or prone to any erosion hazards. The project is not located in an area with significant topographic variation in slope exceeding 30 percent.

8. *Septic and leach field capability;*

Discussion: The project area will be served by the existing septic system used by the current single-family residence.

9. *Groundwater capability to support wells;*

Discussion: The project area will be served by the two existing wells used by the current single-family residence.

10. *Critical flora and fauna habitat areas;*

Discussion: The rezoning of the subject two-acre area to AE would not directly have a substantial adverse effect, either directly or through habitat modifications, on any species

identified as a candidate, sensitive, or special status species in local or regional plans, policies, regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service. The subject parcel has no identified biological resources pursuant to the Important Biological Resources Map located in Planning Services nor the California Natural Diversity Database.

11. *Important timber production areas;*

Discussion: The project is not located in or near an important timber production area.

12. *Important agricultural areas;*

Discussion: The project approval would potentially allow the enhancement of the surrounding important agricultural area.

13. *Important mineral resource areas;*

Discussion: The project will not impact an important mineral resource area.

14. *Capacity of the transportation system serving the area;*

Discussion: The approval of the zone change from Residential Agricultural 20-acre (RA-20) to Exclusive Agriculture (AE) will not immediately change or allow any additional traffic impact not potentially allowed by the current zoning primarily because there are no special events, winery or wine tasting facilities proposed at this time. The applicants have stated they are currently interested in agricultural production but wish to leave future options open. The rezone will permit ranch marketing uses allowed by section 17.14.180 and could potentially allow the development of a winery and its accessory uses, (since five acres of vineyard is planted), by right although somewhat limited by the particular site constraints to the scope of that type of project pursuant to section 17.14.190 both of the El Dorado County Zoning Ordinance. In order to anticipate the future potential impacts of that type of project on traffic, staff recommends Mitigation Measures Nos. 5-7 to mitigate potential traffic impacts close to the site and Mitigation Measure No. 2 for a fire safe plan for the potential impacts to public safety on Sandridge Road as well as Mariah Lane.

15. *Existing land use patterns;*

Discussion: The project area is surrounded by parcels 5 acres or greater in sizes which are also zoned for residential agricultural uses but are not permitted ranch marketing activities, nor to do a winery by right. Staff has determined that the proposed project, as mitigated, can be found to be consistent with existing land use patterns within the project area.

16. *Proximity to perennial water course;*

Discussion: A tributary of the North Fork of the Consumnes River is shown on the Camino U.S.G.S Quadrangle. The single-family dwelling, supporting infrastructure vineyards and olive

orchard are established and the rezone will have no direct impact on this streambed and pond area.

17. *Important historical/archeological sites;*

Discussion: A record search was done of APN 046-041-17, (North Central Information Center (NCIC), CSU Sacramento, June 14, 2007) which reported there was a low to moderate possibility of identifying prehistoric and historic-period cultural resources. In addition, improvements and infrastructure to support the growing of grapes and olives exist. However, because of the possibility in the future that ground disturbances could turn up significant cultural resources anywhere in the County, Planning staff recommends the addition of Mitigation Measure No. 1 to address any potential future discovery.

18. *Seismic hazards and present active faults; and*

Discussion: As shown in the Division of Mines and Geology's publication Fault Rupture Hazard Zones in California, there are no Alquist-Priolo Special Studies Zones mapped in El Dorado County. The impacts from fault ruptures, seismically induced ground shaking, or seismic ground failure or liquefaction are considered to be less than significant. Any potential impact caused by locating new buildings in the project area will be offset by the compliance with the Uniform Building Code earthquake standards.

19. *Consistency with existing Conditions, Covenants, and Restrictions.*

Discussion: The proposed project is not under constraints of CC&Rs.

Policy TC – Xe defines the number of traffic trips generated from a proposed project that would “worsen” the current traffic levels enough to warrant a traffic study. The ranch marketing operations or potential winery in the future will generate random and intermittent traffic levels due to the nature of the operation; weekend and varied hours events are held. DOT staff determined that pursuant to Policy TC-Xe, the proposed use for the subject applications, as well as the uses potentially permitted by right after the rezone, will not “worsen” traffic and will therefore not require a traffic study and that this project will not create a significant impact on traffic. Though there will be some increase in level of service during largely attended special events, it will have a less than significant impact on the public and private roadways with the addition of mitigation measures five to seven added. The full discussion of the traffic impacts is included in Section XV, Transportation and Traffic in the Environmental Checklist and Discussion of Impacts.

Policies 6.5.1.2, 6.5.1.3, 6.5.1.7 and 6.5.1.13 direct that noise from non-transportation sources shall be mitigated in compliance with Table 6-2. The present zone district requires a special use permit for a winery and tasting room, while the rezone would allow a winery and its accessory uses by right. The accessory uses include unlimited special events with up to 250 people in attendance, wine tasting, wine promotional events and picnic areas for winery related activities. These accessory uses, specifically those involving outdoor events, may result in a permanent or temporary increase in ambient noise levels. While the project, as proposed, does not include a

request for special or promotional events or picnic area uses, the County must consider the maximum use that would be allowed under the rezone. Under General Plan Policy **6.5.1.14**, a noise ordinance will be adopted by the County to control unnecessary noise that will include, but not be limited to, *amplified music in commercial establishments*. Until then Planning staff recommends adding Mitigation No. 4 listed in Attachment 1 in order that future potential excessive noise resulting from outdoor events held on the project parcel would have a chance to be mitigated to a less than significant level. The full discussion of the noise impacts is included in Section XI, Noise in the Environmental Checklist and Discussion of Impacts.

Policy 7.3.3.4 directs that buffers and special setbacks of 50 feet from intermittent streams and wetlands. A tributary of the North Fork of the Consumnes River is shown on the Camino U.S.G.S Quadrangle. The single-family dwelling, supporting infrastructure vineyards and olive orchard are established and the rezone will have no direct impact on this streambed and pond area.

Policy 7.4.2.9 establish the Important Biological Corridor (IBC) overlay which was applied to lands identified as having high wildlife habitat values because of extent, habitat function, connectivity, and other factors. The subject parcel has an existing single-family dwelling, infrastructure and utilities and could potentially have accessory buildings in the future. The orchards, irrigation, fencing and interior road systems exist. The entire parcel is located within the IBC however; the rezone will not directly impede the intentions of this policy in a significant manner, because no development of a winery or special events is proposed at this time. Significant disturbances not currently happening would not be expected.

Policy 7.4.4.4 directs that new development projects adhere to the El Dorado County native oak tree canopy retention and replacement standards. The proposed rezone will not conflict with the General Plan tree preservation policy because the single-family dwelling, supporting infrastructure vineyards and olive orchard are established and no trees will be removed as a direct result of this permit request. Any future development permit would need to prove compliance with this policy prior to issuance.

Policy 8.1.3.1 directs that agriculturally zoned lands including Williamson Act Contract properties (i.e., lands within "agricultural preserves") shall be buffered from increases in density on adjacent lands by requiring a minimum of 10 acres for any parcel created adjacent to such lands.

Policy 8.1.4.1 directs that the County Agricultural Commission shall review all discretionary development applications and the location of proposed public facilities involving agricultural district and Williamson Act Contract land, or lands adjacent to such lands, and shall make recommendations to the reviewing authority. Before granting approval, a determination shall be made by the approving authority that the proposed use:

- A. *Will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities; and*
- B. *Will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and*

- C. *Will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.*

Discussion: At their August 8, 2007 meeting, the El County Agriculture Commissioners reviewed the subject applications and recommended approval of both Z07-0030 and WAC07-0001 because the applicants have met all the Williamson Act criteria for high intensity farming. It was noted by their staff that the parcel is currently zoned for residential agricultural and the 200-foot setbacks and ten-acre buffering from increases in density from adjacent parcels already exist.

Policy 8.2.4.1 states that programs shall be developed that provide tax benefits and enhance competitive capabilities of farms and ranches, thereby ensuring long-term conservation, enhancement, and expansion of viable agricultural lands. Examples include, but are not limited to the following:

- A. *Support and allow private organizations to utilize conservation easements or other appropriate techniques for voluntarily restricting land to agricultural uses only.*
- B. *Continued use of Williamson Act Contracts (agricultural preserves).*
- C. *Formation of land trusts to preserve agricultural lands.*
- D. *Make available voluntary purchase or transfer of development rights from agricultural areas to appropriate non-agricultural areas.*

Discussion: The project is consistent with Policy 8.2.4.1 through the request for the establishment of a Williamson Act Contract.

Policy 8.2.4.4 directs that ranch marketing, 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. **Policy 8.2.4.5** directs that 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. The Agricultural Commissioners have reviewed the current proposal and the current existing uses with both said Policies in mind, as well as taken into account the potential uses allowed by the rezone to AE and have recommended approval of both applications.

Conclusion: The project has been reviewed in accordance with the El Dorado County 2004 General Plan policies and it has been determined that the project is consistent with the General Plan. Findings of consistency with the General Plan are provided in Attachment 2.

Zoning: The subject parcel is presently zoned Residential Agricultural 20-acre (RA-20). An approved rezone to Exclusive Agricultural (AE) would then make the subject parcel subject to Section 17.36.070 (D) which allows the placement of one dwelling unit within each agricultural preserve. The effect of this proposal to create this agricultural preserve would allow one house within the contract which is consistent with Zoning. Section 17.36.090.C requires a minimum parcel size of 20 acres. The 24.501-acre parcel would meet this minimum. Pursuant to Section 17.36.070, the Exclusive Agriculture Zone District shall apply only to those lands subject to the Land Conservation Act of 1965 and the application is accompanied by a Williamson Act request to create an agricultural preserve which would then satisfy this section.

Other Issues:

Hazardous waste and wildfire hazards: The rezone could allow the development of a winery and its accessory uses, by right. During the construction of any winery related buildings there may be hazardous materials or substances used, which may remain on the premises after construction. The proper use and storage of any such hazardous material or substances should limit exposure and the potential for explosion or spills. Because of the threat of impacts to and from wildfires, prior to any future building permit issuance for a winery facility, an approved Wildfire Safe plan would be required in order to reduce fire hazards to less than significant. To ensure impacts caused by hazardous waste and wildfire are brought to a less than significant level, Planning staff recommends adding Mitigations Nos. 1 and 2 listed in Attachment 1.

Hydrology: Specific water quality objectives have been established by the Regional Water Quality Control Board (RWQCB) and any project not meeting those objectives are required to apply for a Waste Discharge Permit. Environmental Health will require applicant to obtain a Waste Discharge Permit from the RWQCB prior to approval of the sewage disposal system for the development of the winery. In order to assure impacts of a winery operation on water quality standards or waste discharge bring those impacts in compliance with requirements established by the California Water Quality Control Board to less than significant levels, Planning staff recommends adding Mitigation 3 listed in Attachment 1.

Water Supply: The 24.501-acre parcel has two existing wells producing 3.5 gallons per minute (gpm) and 26 gpm, respectively. The total 5.5 acres of vineyard and one acre of olive trees should be adequately irrigated through this system. Adding recommended Mitigation Measure 8 will reduce the impacts to less than significant.

Williamson Act Criteria: The Agricultural Commission reviewed the requested Williamson Act Contracts at their regularly scheduled meeting on August 8, 2007. At this meeting, the Agricultural Commission reviewed the three primary criteria outlined in Resolution No. 188-2002 for establishment of an Agricultural Preserve. These three criteria are:

1. There shall be a minimum capital outlay for agricultural improvements in the minimum total sum of \$45,000 excluding the applicant's residence and original cost of the land.

Discussion: The Agriculture Department provided a summarized expense sheet showing the payment of costs for agricultural improvements. Expenses for agricultural improvements consisted of fencing, wells, pumps, irrigation, plants, staking, trellising and earthwork. Total capital outlay was shown to be \$170,000, which exceeds the minimum of \$45,000.

2. The minimum acreage shall be 20 contiguous acres for “intensive farming operations”.

Discussion: The subject parcels consists of 24.501 acres, has five acres planted in grapes and one acre planted in olive trees.

3. High intensive farming operations shall produce a minimum gross income of \$13,500.

Discussion: yearly projected grape income, within 2 – 3 years, using the 2005 and 2006 El Dorado County Winegrape Surveys, will be approximately \$15,669.00. Annual projected income from olive production is estimated at \$1,848.00 for a total gross income of \$17,517.00 within two to three years.

Conclusion: Since all required findings were made for the requested Williamson Act Contracts, the Agricultural Commission recommended approval of WAC07-0001.

El Dorado County Agricultural Commission: At their May 10, 2006 meeting, the El Dorado County Agricultural Commissioners found the applicant’s request to create a new agricultural preserve meets all the criteria and they recommend approval for WAC07-0001.

ENVIRONMENTAL REVIEW

Section 15317 exempts the Williamson Act Contracts and the establishment of agricultural preserves, the making and renewing of open space contracts under the Williamson Act, or the acceptance of easements or fee interests in order to maintain the open space character of the area. For Z07-0030, staff has prepared an Initial Study (Environmental Checklist with Discussion attached) to determine if the project may have a significant effect on the environment. Based on the Initial Study, conditions have been added to the project to avoid or mitigate to a point of insignificance the potentially significant effects of the project in the areas of impacts to hazardous wastes, hydrology, noise, traffic circulation, fire safety and utilities. Staff has determined that significant effects of the project on the environment have been mitigated; therefore, a Mitigated Negative Declaration has been prepared.

This project is located within or adjacent to an area which has wildlife resources (riparian lands, wetlands, watercourse, native plant life, rare plants, threatened and endangered plants or animals, etc.), and was referred to the California Department of Fish and Game. In accordance with State Legislation (California Fish and Game Code Section 711.4), the rezone project is subject to a fee of \$1,850.00 after approval, but prior to the County filing the Notice of Determination on the project. This fee, includes a \$50.00 recording fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$1,800.00 is forwarded to the State

Department of Fish and Game and is used to help defray the cost of managing and protecting the States fish and wildlife resources.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Mitigation Measures for Z07-0030
Attachment 2	Findings
Exhibit A	Vicinity map
Exhibit B	Assessor's Parcel map
Exhibit C	General Plan Land Use map
Exhibit D	Zoning map
Exhibit E	Site map
Exhibit F	Record of Survey 28-37
Exhibit G	Soils map
Exhibits H1 to H4	Site visit photos, August 21, 2007
Exhibit I	Camino U.S.G.S. Quadrangle
Exhibit J	Aerial Photo
Exhibit K	Environmental Checklist and resulting Draft Mitigated Negative Declaration,

ATTACHMENT 1 Mitigation Measures

FILE NUMBER Z07-0030

Conditions from the Mitigated Negative Declaration

The following mitigation measures are required as a means to reduce potential significant environmental effects to a less than significant level:

1. Should a future winery facility involve 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. **[MM Haz Mat-1]**.

Monitoring: Solid Waste and Hazardous Materials Division of Environmental Management shall review and approve a hazardous materials business plan prior to issuance of any development permit for a winery or tasting room.

2. Prior to building permit issuance for a winery facility, the applicant shall provide a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and or District approved fire safe planner, which shall be reviewed and approved by Pioneer Fire Protection District and California Department of Forestry (Cal Fire). **[MM Haz Mat-2]**.

Monitoring: Pioneer Fire Protection District and California Department of Forestry (Cal Fire) shall review and approve a Fuel Modification and Wildland Fire Safety Plan, to be prepared by a Registered Professional Forester and or District approved fire safe planner, prior to issuance of any development permit for a winery or tasting room.

3. Prior to discharging any 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. **[MM Hydro-1]**.

Monitoring: California Regional Water Quality Control Board (RWQCB) shall review and approve a Report of Waste Discharge with the RWQCB, prior to issuance of any development permit for a winery or tasting room. A written copy of said approval shall be received by Planning Services for the project file, prior to issuance of any development permit for a winery or tasting room.

4. The applicant will be required to obtain a special use permit if an amplified, outdoor sound system will be utilized during special events. **[MM-1 Noise]**.

Monitoring: Applicant shall apply for a Special Use Permit for the use of an amplified, outdoor sound system will be utilized during special events, and shall have said Permit approved by the El Dorado County Planning Commission, prior to issuance of any development permit for a winery or tasting room.

5. The applicant shall be subject to an encroachment permit, Std. Plan 103D, with a minimum width of 24 feet for the Mariah Lane entrance to Sandridge Road. Construction shall be completed prior to final occupancy of any future winery. **[MM Trans/Traffic-1].**

Monitoring: Applicant shall applicant shall apply for an encroachment permit for the encroachment by Mariah Lane the entrance onto Sandridge Road Said permit be reviewed and approved by the El Dorado County Department of Transportation (DOT) prior to issuance of any development permit for a winery or tasting room.

6. Prior to holding any special events, the applicant shall improve Mariah Lane from the encroachment off Sandridge Road to the winery and tasting room access way. Improvements will consist of surfacing with either gravel, chip seal or asphalt concrete, to the discretion of the El Dorado County Department of Transportation, 18 feet of width with shoulders on each side. **[MM Trans/Traffic-2].**

Monitoring: Applicant shall submit a grading plan for the winery and tasting room access way, to be reviewed and approved by the El Dorado County Department of Transportation prior to issuance of any development permit for a winery or tasting room.

7. Prior to final occupancy of any potential future winery, the applicant shall post a sign on Mariah Lane 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*. **[MM Trans/Traffic-3].**

Monitoring: Applicant shall submit proof that a sign on Mariah Lane discouraging public travel along the road system beyond the winery facilities reading, *End Winery Road – No Trespass*, has been posted in a DOT approved location to DOT prior to Prior to final occupancy of the winery a winery or tasting room.

8. Prior to applying for a building permit for the winery or wine tasting facility, the applicant shall submit a Declaration of Small Water System Status form to the El Dorado County Environmental Health Division 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. **[MM Utilities-1].**

Monitoring: Prior to applying for a building permit for the winery or wine tasting facility, the applicant shall submit a Declaration of Small Water System Status form to the El Dorado County Environmental Health Division for review. 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. The applicant shall provide information to the El Dorado County Environmental Health Division prior to applying for a building permit so said determination can be made.

9. Immediately subsequent to approval of the subject rezone by the El Dorado County Board of Supervisors, Planning Services shall record a Notice of Restriction on APN 046-041-17 consisting of Mitigation Measures 1 through 9. The applicant shall be responsible for all recordation fees. **[MM Manda Signi-1]**.

Monitoring: Immediately subsequent to approval of the subject rezone by the El Dorado County Board of Supervisors a Notice of Restriction on APN 046-041-17 consisting of Mitigation Measures 1 through 9 shall be signed and notarized by the applicant and recorded by Planning Services, and a copy shall be provided to the applicant.

ATTACHMENT 2 FINDINGS

Z07-0030

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 project, as conditioned, 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 project description and conditions of approval, with the corresponding permit monitoring requirement, is hereby adopted as the monitoring program for this project. The monitoring program is designed to ensure compliance during project implementation.
- 1.4 The documents and other materials which constitute the record of proceedings upon which this decision is base are in the custody of Planning Services at 2850 Fairlane Court, Placerville, CA.

2.0 ADMINISTRATIVE FINDINGS

2.1 Zone Change Findings

- 2.1.1 In accordance with State law and pursuant to General Plan Policy 2.2.5.3, the County has evaluated the subject rezoning request based on the General Plan's general direction as to minimum parcel size or maximum allowable density and to assess whether changes in conditions are present that would support a higher density or intensity zoning district. The 19 specific criteria found within General Plan Policy 2.2.5.3 have been analyzed with regards to the above-referenced zone change request. Based on this analysis and the conclusions reached in the staff report, the Planning Commission recommends approval of the zone change request to the Board of Supervisors.

2.0 General Plan Findings

- 2.1 The proposed rezone is consistent with the policies of the 2004 El Dorado County General Plan, as discussed in the General Plan section of this staff report including Policies 2.2.5.2 and 2.2.5.3 about parcel size and evaluation of rezone appropriateness,

Policy TC – Xe for traffic circulation, Policies 6.5.1.2, 6.5.1.3, 6.5.1.7 and 6.5.1.13 for noise impacts, 7.3.3.4, 7.4.2.9, 7.4.4.4 about impacts to wetlands, the Important Biological Corridor and oak tree canopy, 8.1.3.1 and 8.1.4.1 for buffering and Agricultural Commission recommendation for approval, 8.2.4.1 for requirements for an Agricultural Preserve and Policies 8.2.4.4 and 8.2.4.5 for the ability to promote Ranch Marketing and visitor serving uses.

WAC 07-0001

1.0 CEQA FINDING

- 1.1 The proposed requests for Williamson Act Contracts has been found to be Categorically Exempt from CEQA pursuant to Section 15317 stating that, *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 easements or fee interests in order to maintain the open space character of the area.*

2.0 ADMINISTRATIVE FINDINGS

2.1 Establishment of a new agricultural preserve.

- 2.1.1 The subject parcel satisfies the County's criteria 1, 2, and 3 as contained in Resolution No. 188-2002 for the establishment of an Agricultural Preserve, as discussed in the staff report and pursuant to review by the El Dorado County Agriculture Commissioners. Therefore, the creation of a new agricultural preserve can be approved.