

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



**Agenda of:** November 18, 2010  
**Item No.:** 9.b  
**Staff:** Gina Paolini

**SPECIAL USE PERMIT – REVISION**

**FILE NUMBER:** S01-0034-R/Toogood Estate Winery  
**APPLICANT:** Paul Toogood, DVM  
**REQUEST:** Revision to Special Use Permit S01-0034 to modify the project description to include the following:

1. Allow for the use of a commercial kitchen to cater up to 40 off-site events per year.

All uses permitted by right would be permitted in accordance with Chapter 17.14.200 (Wineries).

**LOCATION:** On the south side of Fairplay Road, approximately two miles east of the intersection with Mt. Aukum Road, in the Fairplay area, Supervisorial District II. (Exhibit A)

**APN:** 094-010-73 (Exhibit B)

**ACREAGE:** 40 acres

**GENERAL PLAN:** Agricultural Lands (AL) (Exhibit C)

**ZONING:** Planned Agriculture-40 (PA-40) (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Categorically Exempt pursuant to Section 15301(a) of the CEQA Guidelines

**RECOMMENDATION:** Staff recommends the Planning Commission take the following actions:

1. Find the project is Exempt from CEQA pursuant to Section 15301(a) of the CEQA Guidelines (Existing Facilities); and

2. Approve Special Use Permit S01-0034-R based on the Findings in Attachment 2 and subject to the Conditions of Approval in Attachment 1.

## **BACKGROUND**

Special Use Permit S01-0034 was approved by the Planning Commission on August 8, 2002 to allow the establishment of a winery at the project site. In conjunction with the Special Use Permit, a rezone of the property to Planned Agriculture-40 (PA-40) was approved by the Board of Supervisors on September 10, 2002. Since establishment of the winery at the site, the Board of Supervisors adopted a new winery ordinance (Section 17.14.200 "Wineries", adopted February 3, 2009). If a winery were to be considered at the project site today, a Special Use Permit would not be required due to the new provisions. At this time the applicant is wishing to expand the facility. Because the facility was approved under a Special Use Permit, all expansion requests would require revisions. To streamline the process, the proposed revision to the Special Use Permit would recognize and allow all uses permitted by right under the existing ordinance, allow the existing signage to remain and allow for the use of a commercial kitchen for catering up to 40 off-premises events per year. All Class 1, 2 and 3 uses permitted by right within the winery ordinance would be allowed without further revisions.

Code Compliance Case No. 193161 was opened on the subject property on May 20, 2009. The case stipulates that the two wine caves are being utilized for wine tasting and wine barrel storage without a building occupancy permit. The property owner did obtain State permits for the caves. The applicant has been non-responsive to certified notices sent regarding this open case, with mail returned to the County unclaimed.

Approval of S01-0034 was subject to one Mitigation Measure and ten Conditions of Approval. These conditions have been included in Attachment 1 of the Staff Report. Additions have been indicated as underline items. Fulfilled or no longer applicable conditions have been indicated as ~~strikethrough items~~.

## **STAFF ANALYSIS**

**Project Description:** The applicant is requesting a revision to the Special Use Permit to modify the project description to allow the six unlit signs to remain and allow for the use of a commercial kitchen for catering up to 40 off-site events per year (Exhibit E). All uses permitted by right would continue to be permitted in accordance with Chapter 17.14.200 (Wineries).

**Site Description:** The project site is 40 acres, with 12 acres of planted vineyard. The average elevation of the site is 2,200 above mean sea level. Wine caves have been developed at the site, as well as parking areas, accessory buildings and access roads (Exhibit F).

**Adjacent Land Uses:**

	<b>Zoning</b>	<b>General Plan</b>	<b>Land Use/Improvements</b>
<b>Site</b>	PA-40	AL	Winery
<b>North</b>	PA-20	RR	Single-family Residence
<b>South</b>	RA-40	RR	Single-family Residence
<b>East</b>	AE	RR	Vineyards
<b>West</b>	RE-10	RR	Single-family Residence

The revision would not substantially alter the existing facility or result in new uses which would be inconsistent with the surrounding land uses or the Winery Ordinance.

**General Plan:** The following General Plan policies apply to this project:

The General Plan designates the project site as Agricultural Lands (AL). A maximum of two residential dwellings used to support agricultural use are allowed. Lands assigned the AL designation shall be of sufficient size to sustain agricultural use.

The project site is 40 acres in size and has 12 acres in active production of wine grapes. The proposed revision to the Special Use Permit would allow the continued agricultural operations at the project site and would not result in additional impacts to the surrounding land uses. Therefore, staff finds that the project as conditioned would conform to the General Plan.

General Plan **Policy 2.2.5.10** recognizes 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.

Discussion: The Special Use Permit would allow for the continued use of signage that has been established at the site to better direct patrons to the facility (Exhibit G). The signage was originally required in excess of the ordinance requirements to mitigate neighbor concerns. The applicant has worked through the years to maintain the signs and all visual barriers to minimize impacts on neighboring property owners. In addition, the Special Use Permit would allow for the use of a commercial kitchen for catering of off-premise functions. These functions would be limited to 40 a year. All other uses at the site would be allowed by right through the implementation of the Winery Ordinance.

General Plan **Policy 8.1.4.1** requires the County Agriculture Commission review all discretionary development applications involving land zoned or designated agriculture.

Discussion: The Agricultural Commission reviewed the project on October 14, 2009 (Exhibit H) and made the following findings:

1. The project will not intensify existing conflicts or add new conflicts between adjacent residential areas and agricultural activities;
2. The project will not create an island effect wherein agricultural lands located between the project site and other non-agricultural lands will be negatively affected; and
3. The project will not significantly reduce or destroy the buffering effect of existing large parcel sizes adjacent to agricultural lands.

The Commission discussed that because the property is accessed by a non-county maintained road, if the applicant did not have a Special Use Permit, certain uses would be allowed by right and additional winery and tasting facilities would be subject to review and approval of a Site Plan Review. Based on review by the Agricultural Commission staff, all the proposed uses on the site would be allowed by right in the current winery ordinance, except for the existing signage, which is covered by the Special Use Permit. The Commission recommended approval of the request for a revision to the Special Use Permit, if it was found that one would be necessary. Staff has conducted a site visit and a site plan review and found that the proposed future buildings would not require the removal of existing vineyards and would be located as to not impact agricultural operations, all proposed changes would be in conformance with the Winery Ordinance.

**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.

Discussion: The existing Special Use Permit limits the use of the property to only those uses listed in the project description. The proposed revision to the Special Use Permit would allow the applicant to fully utilize Chapter 17.14.200 (Wineries) of the County Code. The applicant would be allowed all uses identified as by right.

General Plan **Policy 8.2.2.2** The approving authority shall make the following findings when approving Special Use Permits for agricultural support services:

- A. The use will not substantially detract from agricultural production in the surrounding area; and
- B. The use is compatible with and will not have a significant adverse impact on adjacent or nearby neighborhoods beyond that allowed by the Right to Farm Ordinance and other applicable law.

General Plan **Policy 8.2.4.4** allows for ranch marketing, winery, and visitor-serving uses (agricultural promotional uses) 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. Ranch marketing uses must be on parcels of 10 acres or more and must have a minimum of 5 acres of permanent agricultural crop in production or 10 acres of annual crop in production. These uses cannot occupy more than 5 acres or 50 percent of the parcel, whichever is less.

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

Discussion: The project site is planted with 12 acres of active vineyard. The surrounding area is primarily active agriculture with many winery activities located in the vicinity; therefore, the uses proposed at the site would be compatible with the neighborhood and would not impact the adjacent properties. The proposed uses would not detract nor diminish the agricultural use of the land and would encourage visitors to the area.

**Zoning:** The site is zoned PA-40 and is within an Agricultural District. The overall site is 40 acres in size, with the 12 acres of vineyard planted. Because of the zoning and size of the lot, the following uses would be allowed by right as defined in Chapter 17.14.200 (Wineries) of the County Code:

**By Right:** Class 1, Class 2, and Class 3.

- Class 1: Winery  
Tasting facilities  
Wholesale and retail sales of wine  
Retail sales of merchandise and art  
Public Tours  
Picnic Areas  
Marketing Events
- Class 2: Special Events limited to the provisions of C.3.
- Class 3: Agricultural related museum  
Commercial kitchen facilities (on premises functions only)

The following uses require a Special Use Permit:

**By CUP:** Class 4 and Class 5.

- Class 4: Commercial kitchen use for catering off-premises functions  
Distilleries  
Dining facility
- Class 5: Special Events that exceed the provisions of C.3.a and C.3.b.

The applicant is requesting a revision to the Special Use Permit to include a commercial kitchen for catering off-premise functions for up to 40 per year. This would be incidental to the main use of the site and would not impact the surrounding properties. The Special Use Permit would also allow for the six unlit signs to remain on the site as permitted under the original permit. These signs benefit the neighboring properties by providing better directions to the winery and help to eliminate turning movements on neighboring driveways.

**ENVIRONMENTAL REVIEW:**

This project has been found to be Categorically Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. A \$50.00 processing fee is required by the County Recorder to file the Notice of Exemption.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B .....	Assessor's Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Map
Exhibit E.....	Project Description
Exhibit F .....	Site Plan (Large-scale format only)
Exhibit G .....	Sign Plans
Exhibit H .....	Agricultural Commission Minutes – October 14, 2009

# ATTACHMENT 1

## CONDITIONS OF APPROVAL

Special Use Permit Revision S01-0034-R/Toogood Estate Winery  
Planning Commission/November 18, 2010

### El Dorado County Planning Services

#### I. PROJECT DESCRIPTION

1. This Special Use Permit Revision is based upon and limited to compliance with the project description, the Staff Report exhibits marked Exhibits E (project description), F (Site Plan) and G (Sign Plans) and conditions of approval set forth below. Any deviations from the project description, exhibits, or conditions must be reviewed and approved by the County for conformity with this approval. Deviations may require approved changes to the permit and/or further environmental review. Deviations without the above described approval will constitute a violation of permit approval.

Special Use Permit S01-0034 allows the following:

Special Use Permit for a winery facility identified by Assessor's Parcel Number 094-010-73. The project shall include the following improvements:

1. ~~The project, as approved, consists of the following:~~
  - a. ~~Retail sales area to consist of 1200 square feet of floor space within the wine caves. Items for sale shall conform to the ordinance as being *winery related promotional items, gift items and/or pre-packaged goods.*~~
  - b. ~~Artwork may be located throughout the winery caves, and may be offered for sale within the retail sales area.~~
  - c. ~~The food preparation facility shall be in compliance with the California Health and Safety Code *California Uniform Retail Food Facilities Law*. Facility plans shall be submitted to Environmental Health for review and approval at the time of construction. A permit to operate a food facility must be obtained and maintained from Environmental Health. One person from the facility shall be a certified food handler and hold a Servsafe Certification. The facility is to be utilized as follows:~~
    - 1) ~~To prepare complimentary snack-type items to be offered to the general public during tasting room hours. Examples of snack-type items are cheeses, condiments, baked goods and pastries, or small portions of a hot dish.~~

- ~~2) To cater bistro-style food, consisting of several items selected to complement the featured wine. In this manner, the facility will be open to invitation only groups, such as Wine or Cave Club members, or groups who rent the facility for special events, such as weddings, parties, company picnics and more, as defined under Chapter 17.06(RR). Bistro-style catering will be offered through bookings only, and will not be open to the general public, nor will it have regular hours of operation. The applicant will determine seating and manner of service. Number of guests at these events shall be limited to a maximum of 200 based on parking availability.~~
- ~~3) To prepare winemaker dinners, and any other promotional event as defined under C(2)a.(vi) as *events sponsored by the property owner, an association of agricultural property owners, or similar non profit organization formed to assist the agricultural industry in the area, to promote the sale of El Dorado County wines . . . and which is intended to benefit the agricultural use of the site and/or the agricultural region.* Pursuant to the ordinance, *no single event shall exceed three (3) consecutive days.*~~
- ~~d. For the first three years after five acres of grapes are planted and properly maintained as determined by the Agricultural Commission, applicant may produce and bottle wines made from grapes grown off site from within El Dorado Appellation AVA, and may operate a tasting room. The annual production and grape source shall be reported to the El Dorado County Agricultural Commissioner by January 1 of each year until the three-year period has ended.~~
- e. Four signs, in addition to two signs allowed by right, for a total of six signs. The six signs shall include one arched entrance sign and five directional signs. Signs ~~will~~ shall remain unlit and ~~will~~ shall conform to Exhibit H. G Signs shall be placed clear of road rights-of-way, both of Fairplay Road and the 24-foot access road, and ~~will~~ shall conform to sight distance requirements, pursuant to Standard Plan 103C.

This revision to Special Use Permit S95-0024-R allows the following:

The project shall be permitted a commercial kitchen and shall be permitted to cater up to 40 events off-site per year.

All uses permitted by right would be permitted in accordance with Chapter 17.14.200 (Wineries), as adopted February 3, 2009.

The grading, development, use, and maintenance of the property, the size, shape, arrangement, and location of structures, parking areas and landscape areas, and the protection and preservation of resources shall conform to the project description above and the hearing

exhibits and conditions of approval below. The property and any portions thereof shall be sold, leased or financed in compliance with this project description and the approved hearing exhibits and conditions of approval hereto. All plans must be submitted for review and approval and shall be implemented as approved by the County.

## **II. PROJECT CONDITIONS OF APPROVAL**

### **Mitigation Measures:**

- ~~12.~~ During special or promotional events, only unamplified voices and music shall will be allowed. The applicant shall adhere to Winery Ordinance Section 17.14.200.E.9 “Outdoor Amplified Music”, which states, the 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. (Ord. 4808, 2009)

### **Planning Services**

- ~~23.~~ **Site Improvements:** All site improvements shall conform to Exhibits ~~E~~, ~~F~~, and ~~G~~ H. Minor modifications are to be reviewed and approved by the Development Services Director ~~Planning Director~~. Major modifications are to be submitted to and approved by the Planning Commission.
- ~~3.~~ Prior to any wine production, the applicant shall provide to Environmental Management for review and approval, plans of sufficient detail to clearly identify the means of waste disposal as the same relates to the processing of wine. This plan shall include any off site disposal of liquid/semi-liquid waste as may be proposed, and will include payment of all appropriate fees.
- ~~4.~~ ~~7.~~ **On-site Parking:** Parking shall conform to ~~Exhibit E and shall, at a minimum, conform to development standards for wineries under §17.14.190D(1).~~Section 17.14.200.E.4 of the Winery Ordinance On-street parking along Fairplay Road and the access road shall not be permitted for public use.
- ~~8.~~ In the event of the accidental discovery or recognition of any historical or archaeological resources, or human remains in any location other than a dedicated cemetery, the steps outlined in §15064.5 of the CEQA Guidelines shall be implemented immediately.
- ~~5.~~ **Archeological Resources:** The following shall be incorporated as a note on all future grading/improvement plans:

*In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the applicant shall ensure that all such activities cease within 50 feet of the discovery until an archaeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archaeologist shall determine the proper method(s)*

for handling the resource or item. Grading and construction activities may resume after appropriate measures are taken or the site is determined not to be of significance..

In the event of the discovery of human remains, all work is to stop and the County coroner shall be immediately notified pursuant to Section 7050.5 of the Health and Safety Code and Section 5097.98 of the Public Resources Code. If the remains are determined to be Native American, the Coroner must contact the Native American Heritage Commission within 24 hours. The treatment and disposition of human remains shall be completed consistent with guidelines of the Native American Heritage Commission.

Planning Services shall verify the inclusion of this notation on the grading plans prior to the issuance of a grading permit.

- ~~9. The special use permit shall become effective 30 days after the Board of Supervisors approves the rezone.~~
6. **10. Revocation Hearing:** Noncompliance with or violations of the above-mentioned conditions could result in a revocation hearing of the Special Use Permit pursuant to Chapter 17.22.
7. **Processing Fee:** Planning Services shall verify that all Development Services and Noticing fees have been paid prior to issuance of any permits.
8. **Condition Compliance:** Prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall provide a written description, together with appropriate documentation, showing conformance of the project with each condition imposed as part of the project approval. The applicant shall also schedule an inspection by Planning Services prior to issuance of a building permit for verification of compliance with applicable conditions of approval.
9. **Code Compliance:** Planning Services shall verify that prior to issuance of a building permit or commencement of any use authorized by this permit, the applicant shall be responsible for meeting all appropriate fire and building codes and shall obtain sign offs from appropriate agencies.
10. **Hold Harmless Agreement:** In the event of any legal action instituted by a third party challenging the validity of any provision of this approval, the developer and landowner agree to be responsible for the costs of defending such suit and shall hold County harmless from any legal fees or costs County may incur as a result of such action.

The developer and land owner shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or proceeding against El Dorado County or its agents, officers, or employees to attack, set aside, void, or annul an approval of El Dorado County concerning a Special Use Permit.

The County shall notify the applicant of any claim, action, or proceeding, and the County shall cooperate fully in the defense.

11. The winery facility shall maintain a State Alcohol Beverage Control Type 2 Winegrower's license. A copy of the license shall be provided to Development Services and maintained in the project file prior to establishment of the use.

### **Building Services**

12. Use of the wine caves for retail sales, wine tasting and wine storage shall be subject to a building occupancy permit. Development Services shall verify that a building permit has been obtained prior to establishment of the use.

### **Department of Transportation**

13. 4. **Grading Permit / Plan:** A commercial grading permit if any offsite or onsite improvements are to be made exceeding more than 250 cubic yards of earth movement, a commercial grading permit shall be required. If a grading permit is required, the applicant shall submit a site improvement/grading plan prepared by a professional civil engineer to the DOT for review and approval. The plan shall be in conformance with the County of El Dorado "Design and Improvement Standards Manual", the "Grading, Erosion and Sediment Control Ordinance", the "Drainage Manual", the "Off-Street Parking and Loading Ordinance", and the State of California Handicapped Accessibility Standards. All applicable plan check fees shall be paid at the time of submittal of improvement plans. All applicable inspection fees shall be paid prior to issuance of a permit. The improvements and grading shall be completed to the satisfaction of the DOT or the applicant shall obtain an approved improvement agreement with security, prior to establishment of the use. The applicant shall comply with all County requirements related to the Department of Transportation including, but not limited to, *Design and Improvement Standards Manual*, the *Grading, Erosion and Sediment Control Ordinance*, the *Drainage Manual*, the *Off-Street Parking and Loading Ordinance*, the *State of California Handicapped Accessibility Standards*, the County Traffic Impact Mitigation Fee program, and the State System Infrastructure Traffic Mitigation Fee program. A commercial site grading permit will be required for any future grading.
14. 5. **Access Roadway:** The access roadway shall be constructed per requirements of El Dorado County Design and Improvements Manual (DISM) Standard Plan 101C and the 2007 CA Fire Code with a 20-foot wide roadway capable of supporting 75,000 pounds. These off-site improvements shall be completed to the satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior to establishment of the use. The applicant shall provide and maintain a 24-foot wide gravel surfaced roadway conforming to Standard Plan 101C, that extends from Fairplay Road to the parking lot located directly in front of the cave entrances.
15. 6. **Encroachment Permit:** The applicant shall obtain an encroachment permit from DOT and shall construct the roadway encroachment(s) from the proposed roadway onto Fairplay Road to the provisions of County Design Std 103C. The improvements shall be completed to the

satisfaction of the Department of Transportation or the applicant shall obtain an approved improvement agreement with security, prior establishment of the use. The applicant shall be subject to an encroachment permit, Standard Plan 103C, at Fairplay Road.

### **Environmental Management Department**

16. **Fugitive Dust:** Prior to grading permit issuance, a fugitive dust plan shall be submitted to the Air Quality Management District (AQMD) for review and approval.
17. **Air Quality Management Permits:** The applicant shall obtain and comply with all necessary permits from the Air Quality Management District prior to issuance of a grading permit.
18. **Commercial Kitchen:** The applicant shall obtain and comply with all necessary permits from the Environmental Management Department for permitting the commercial kitchen prior to issuance of a building permit.

## **ATTACHMENT 2**

### **FINDINGS**

#### **Special Use Permit Revision S01-0034-R/Toogood Estate Winery Planning Commission/November 18, 2010**

#### **FINDINGS FOR APPROVAL**

##### **1.0 CEQA FINDINGS**

- 1.1 This project has been found to be Categorical Exempt from the requirements of CEQA pursuant to Section 15301(a) of the CEQA Guidelines which apply to the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.
- 1.2 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 Department - Planning Services at 2850 Fairlane Court, Placerville, CA 95667.

##### **2.0 GENERAL PLAN FINDINGS**

- 2.1 As proposed, the project is consistent with the Agricultural Lands (AL) land use designation of the subject site as defined within General Plan Policy 2.2.1.2 because the AL land use designation is intended to provide areas for agriculture, such as the existing winery.
- 2.2 As conditioned, the proposal is consistent with General Plan Policies 2.2.5.10, agricultural uses in the Rural Region, 8.2.2.1, agricultural operations by right on agricultural land, 8.2.2.2, Special Use Permit for agricultural support services, 8.2.4.4, wineries on agricultural parcels, and 8.2.4.5, support visitor-serving ranch marketing activities on agricultural land. Because of the project's compatibility with surrounding land uses, compatibility with agricultural lands, and support to visitors to area, the project is consistent with the General Plan.

##### **3.0 ZONING FINDINGS**

- 3.1 The proposed uses are permitted by Special Use Permit in the Planned Agriculture-40 (PA-40) zone district, pursuant to Section 17.36.140.G and the Winery Ordinance, Section 17.14.200.B.2.a, provided that the administrative findings outlined below can be made by the Planning Commission.
- 3.2 As proposed and conditioned, the project meets all applicable development standards contained within the El Dorado County Zoning Ordinance. Adequate setbacks have been provided for all existing signage as determined by both Development Services and Department of Transportation staff.

**4.0 ADMINISTRATIVE FINDINGS (SPECIAL USE PERMIT)**

**4.1 The issuance of the permit is consistent with the General Plan.**

As discussed above, the proposed project has been analyzed in accordance with the General Plan Policies. The proposed project is consistent with the Agricultural Lands (AL) General Plan Land Use Designation which provides areas to sustain agricultural use within the County. The project site is development with a winery. The existing site improvements do not violate applicable policies of the General Plan or objectives of the Agricultural Lands General Plan Land Use Designation.

**4.2 The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood; and**

The proposed use will not be detrimental to the public health, safety and welfare or injurious to the neighborhood as it is found to be a compatible use within the context of the surrounding mix of residential and agricultural uses adjacent to the subject site. The Agricultural Commission reviewed the revision to the Special Use Permit and recommended approval of the project.

**4.3 The proposed use is specifically permitted by special use permit pursuant to this Title.**

The proposed uses are specifically permitted by Special Use Permit pursuant to Sections 17.14.200.B.2.a and 17.36.140.G of the El Dorado County Zoning Ordinance.