

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



**Agenda of:** June 14, 2012  
**Item No.:** 11.b  
**Staff:** Tom Dougherty

**SPECIAL USE PERMIT**

**FILE NUMBER:** S10-0011/David Girard Vineyards

**APPLICANT:** David Girard

**REQUEST:** Use of an existing winery facility for up to 100 special events per year, including live music, charitable events, weddings, etc., for up to 320 guests.

**LOCATION:** East side of Cold Springs Road at the intersection with Thompson Hill Road, in the Gold Hill area, Supervisorial District 4. (Exhibit A)

**APNs:** 089-030-23 and -24 (Exhibit B-1)

**ACREAGE:** 41.52 and 20 acres respectively

**GENERAL PLAN:** Agricultural Lands-Agricultural District (AL-A) (Exhibit C)

**ZONING:** Exclusive Agricultural (AE) and Estate Residential Ten-Acre (RE-10) respectively (Exhibit D)

**ENVIRONMENTAL DOCUMENT:** Negative Declaration

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

1. Adopt the Negative Declaration based on the Initial Study prepared by staff; and
2. Approve Special Use Permit S10-0011 subject to the Conditions of Approval in Attachment 1, based on the Findings in Attachment 2.

**BACKGROUND:** The David Girard Vineyards ownership includes four parcels totaling 85.52 acres. Only the 41.52-acre parcel (089-030-23) contains the winery production facilities (winery, tasting room, storage buildings, and events center (“Viticulture Galleria”). This parcel contains planted vineyards as does the 20-acre adjoining parcel to the southeast (089-030-24). This parcel also contains the existing gazebo having been used for special events such as weddings and concerts. The remaining two parcels are 20 acres (089-030-24) and 4.0 acres (089-030-08) in size.

The 41.52-acre parcel (APN 089-030-23) is within Agricultural Preserve 294 and was rezoned from RE-10 to AE and placed under a Williamson Act Contract by the Board of Supervisors in December of 2003. The 20-acre parcel (089-030-24) included in this special use permit request is not part of the Agricultural Preserve. Both parcels attained their current configuration from the approval of Boundary Line Adjustment BLA03-75 approved in October of 2003, and as shown on Parcel Map PM49-47. The applicant owns two parcels that adjoin to the south (089-030-08 and -25), but they are not part of this special use permit request.

The existing uses and structures are allowed by the Winery Ordinance, and the AE Zone, for the 41.52-acre parcel only. The special use permit is required because the applicant seeks to hold more events and allow more guests than is allowed by-right by the Winery Ordinance for a parcel within an AE Zone. In addition, the applicant requests to include a portion of the 20-acre, RE-10 zoned parcel in the special events area however, a Lot Line Adjustment is necessary to bring that portion used for special events onto the same parcel as the winery (Winery Ordinance 17.14.200). However, pursuant to 17.14.200.B (2) g – The events are limited to 250 persons and to 48 per year. If the applicant wants to exceed these numbers, a rezone to AE, PA or SA would be necessary (17.14.200.B (2) a/b).

The project has an active Building Permit # 200073 for a new Viticulture Galleria building to replace the existing tent structure on APN 089-030-23. It was permitted as a by-right use pursuant to the Winery Ordinance.

**STAFF ANALYSIS**

**Project Description:** A special use permit request to allow the use of the project area for up to 100 events per year, including live music, charitable events, weddings, etc., for up to 320 guests at one time. The hours of operation would be 9:00 a.m. to 10:00 p.m.

APN	Acreage	Zoning	Existing Uses and Improvements	Proposed Uses
089-030-23	41.52	AE	Winery & Tasting Room/Events Tent/Vineyards. Approximately 2,400 sq. ft. wine-tasting building, 600 sq. ft. storage barn, approximately 1,200 sq. ft. equipment shelter building, approximately 4,200 sq. ft. outdoor assembly area along the north boundary, and the Viticulture Galleria Building under construction with a 6,360 sq. ft. recreation hall, 2,500 sq. ft. covered porch area, and 480 sq. ft. of storage.	100 special events per year with a max. of 320 persons per event from 9 a.m. to 10 p.m.

089-030-24	20.00	RE-10	Outdoor music concerts, weddings. Vineyard, and a gazebo.	48 special events per year including: 12 facility rentals on less than 20 acres, with a max. of 250 persons per event.
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The following activities/events are proposed:

**Marketing Events at the Viticulture Galleria (17.14.200.C.2.c):** Wine dinners, seminars, live music, release parties, cooking classes, wine tasting classes, cheese and wine pairings, grape stomp, open house, passport, barrel event;

**Special Events at the Viticulture Galleria (17.14.200.C.3):** Live music concerts, charitable events, and facility rentals for weddings and celebrations, corporate events, art shows, meetings and mixers. The number of employees would vary depending on the event.

**Site Description:** The project is located at elevations ranging from 1,294 to 1,380 feet above mean sea level. Improvements include a wine production facility, tasting room and accessory agricultural buildings along with graveled and asphalted access driveways and parking areas. Approximately 60 percent of both parcels are covered by vineyards. Vegetation in the southern portions is dominated by annual grassland with indigenous oak and pine trees. There is one man-made pond located on the winery parcel. The existing gazebo area where summer concerts and weddings are currently held is elevated upon a mound-like area topographically at the 1,348-foot elevation. The existing Viticulture Galleria (formerly the tent structure) is also elevated at the 1,380-foot elevation and both areas are approximately level with and unobstructed from, the residences to the north. There is an outdoor assembly area located within the area that juts into the north boundary.

**Adjacent Land Uses:**

	Zoning	General Plan	Land Use/Improvements
<b>Site</b>	AE/RE-10	AL-A	Agricultural/Winery, tasting room, event center
<b>North</b>	RE-10	AL-A/RR-A	Residential/Single-family residences
<b>South</b>	RE-10/AE	AL-A	Agricultural and residential/Vacant and single-family residence, gazebo.
<b>East</b>	AE	AL-A	Agricultural/Vacant.
<b>West</b>	RA-20/RE-5	RR-A	Residential/Single-family residences (across Cold Springs Road).

Discussion: The closest dwelling is approximately 1,000 feet to the northwest of the current gazebo area where summer concerts and weddings are currently held. The project site is surrounded by General Plan-designated Agricultural Lands currently encumbered by Agricultural Preserves to the east and south.

**Project Issues:** Discussion items for this project include conflicts with the Zoning and Winery Ordinances, access and circulation, noise, and parking.

**Conflicts with the Zoning and Winery Ordinances:** The 20-acre parcel (089-030-24) that the applicant has included in the special use permit request is Zoned RE-10 and therefore is not permitted to have a winery or special events without an on-site winery. In order for a portion of it to be included in the request a Lot Line Adjustment is needed.

**Access and Circulation:** Policy 6.2.3.2 directs the applicant to demonstrate that adequate access exists, or can be provided for emergency vehicles and private vehicles to access and evacuate the area. The project's primary access points are from two encroachments onto Cold Springs Road which is a County-maintained road. DOT has found that the project does not trip the thresholds of the General Plan that require preparation of a traffic analysis for the proposed 320 maximum guests. They estimate "an average of 2 people per vehicle equates to an additional ADT (Average Daily Trips) of 160 trips. In accordance to the Highway Capacity values, for a 2-lane road with a minimum of 24-feet, a level of service (LOS) B has an ADT of 200. LOS C is reached at 680 ADT. Because the project would only contribute 160 trips, the LOS does not worsen to LOS C. Because of the adequate widths and because the LOS is not worsened by the project, a traffic impact study is not required."

The El Dorado County Fire Protection District has recommended a condition of approval to limit parking along access roads to assure safe emergency ingress/egress and access width. As conditioned, neither DOT nor the Fire District has any outstanding concerns with the proposed access and circulation of the project.

**Noise:** General Plan Policy 6.5.1.2 states that "where proposed non-residential land uses are likely to produce noise levels exceeding the performance standards of Table 6-2 at existing or planned noise-sensitive uses, an acoustical analysis shall be required as part of the environmental review process so that noise mitigation may be included in the project design. Policy 6.5.1.7 states that 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."

For outdoor amplified music, Section 17.14.200.E.9 of the Winery Ordinance states that "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."

When complaints of noise such as loud outdoor music are received, the following County Code Section applies:

9.16.050 Loud and Raucous Noises—Prohibited: Except as otherwise provided in this chapter, it is unlawful for any person to willfully make, emit, or transmit or cause to be made, emitted, or transmitted any loud and raucous noise upon or from any public highway or public thoroughfare or from any aircraft of any kind whatsoever, or from any public or private property to such an extent that it unreasonably interferes with the peace and quiet of another's private property.

The applicant has submitted an Environmental Noise Assessment dated February 7, 2011 which found that “noise levels from the proposed special event uses are predicted to exceed the applicable El Dorado County exterior noise level standards at the nearest residential uses,” and noise reduction measures such as berming and the creation of an amphitheater-type facility were recommended. Figure 2 of the Assessment shows a location that was analyzed which is located on the parcel to the south, owned by the applicant but not a part of this special use request. Figure 3 shows the berming method that was recommended.

The proposed outdoor concerts are not the only events held at the winery that include amplified music. Planning has included recommended Condition of Approval 7 to be incorporated for amplified music, and further, that the conditions apply to all amplified music events. Planning has also recommended applicant monitoring during music events to assure that events at either area would not emit noise levels that would exceed the General Plan noise policies. These recommendations are included in Attachment 1.

**Parking:** The submitted Overall Site Plan was reviewed to verify compliance with Zoning Ordinance on-site parking requirements. The Winery Ordinance defers to Section 17.18.060 of the Zoning Ordinance which lists the parking requirements by use. Wineries are not specifically listed as one of those uses. Winery Ordinance Section 17.14.200.E.4.c allows overflow parking spaces to be graveled, and requires compliance with Fire District requirements.

The recommended applicable condition of approval from the El Dorado County Fire Protection District for the project special event request states that “fire access roads 20 to 29-feet in width shall be posted on both sides as a Fire Lane, with no parking allowed on either side of the roadway. Fire access roads 30 to 35-feet in width shall be posted on one side as No Parking Lane, with parking allowed only on the opposite side of the roadway. Fire access roads 36-feet wide and greater may allow parking on both sides of the roadway.”

The submitted site plan shows 93 paved and striped parking spaces and 58 graveled overflow spaces for a total of 151 spaces. Planning has historically assumed that each car would average 3 persons per car for agricultural special events. The applicant proposes a maximum of 320 guests which means 107 spaces would be required at a minimum. Additionally, employees of the winery, caterers, musicians, and others associated with events will require parking. Discussions with the winery events coordinator indicated that the maximum number of caterer employees would be seven and there would be four winery employees (who typically park at the winery and not at the tasting facility). Additionally there would be vehicles for the musicians, sound crew, and others associated with any event. At most, there might be 20 vehicles in addition to those of guests. This is still well under the 151 spaces provided. The following table summarizes the parking and includes accessible spaces:

<b>PARKING REQUIREMENTS TABLE</b>		
<b>Parking Stall Standard</b>	<b>No. of Spaces Required</b>	<b>No. of Spaces Provided</b>
Standard Space	Not defined by County Code but historically, 3 persons per vehicle. (320/3=107 minimum) Estimated employee and event personnel – 20 Total required parking - 127	151
Accessible Spaces	a) 2 at the Tasting Room (1 with van accessibility); b) 2 at the Viticulture Galleria (1 with van accessibility).	a) 2 (1 with van accessibility); b) 2 (1 with van accessibility);

**Land Use Compatibility:** The General Plan designates both parcels of the subject application request as Agricultural Lands (AL) with Agricultural District (A) Overlay. Lands assigned the Agricultural Land (AL) designation are required to be of sufficient size to sustain agricultural use and either under a Williamson Act or Farmland Security Zone Contract, contain the characteristics of choice agricultural land, or are under cultivation for commercial crop production or are identified as grazing land, and are located in the county’s Rural Region. The A overlay identifies areas with choice agricultural soils which the County has determined should be preserved for agricultural uses with agriculture as the primary activity and to discourage incompatible uses such as higher density residential use. The two subject parcels contain soils that are either of Statewide Importance, Unique and Important Locally, or Prime Farmland. Both support commercial vineyards, and the winery parcel is under a Williamson Act Contract. The policies and issues that affect this project are discussed below:

**Policy 2.2.5.21** directs that 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 project is proposed.

Discussion: The 61.52-acre site parcel exists in a primarily agricultural area as shown in Exhibit C (General Plan Land Use Designations). New impacts would be the potential addition of users of buildings on an intermittent basis. Planning believes that with the inclusion of the recommended mitigation measures for amplified music, the proposed uses on the 41.52-acre parcel (089-030-23) would be compatible with the agricultural character of the neighborhood and would be compatible with the zoning of the property. If the applicant desires to pursue events on the 20-acre parcel (089-030-24), a rezone, Lot Line Adjustment, and Williamson Act Contract revision would be required concurrent with a Special Use Permit application.

Agricultural Issues: **Policy 8.1.3.5** states that on any parcel 10 acres or larger identified as having an existing or potential agricultural use, the Agricultural Commission must consider and provide a recommendation on the agricultural use (except for parcels assigned urban or other non-agricultural uses by the land use map for the 1996 General Plan) or potential of that parcel and whether the request will diminish or impair the existing or potential use prior to any discretionary permit being approved. **Policy 8.1.4.1** states that the County Agricultural Commission shall review all discretionary development applications and the location of

proposed public facilities involving land zoned for or designated agriculture, or lands adjacent to such lands, and shall make recommendations to the reviewing authority.

Discussion: The Agricultural Commission reviewed the subject request at their September 14, 2011 meeting and determined that the application was incomplete and that the applicant was not currently in compliance with County Code. The Commission did not make a formal recommendation. The minutes from that meeting are included in Exhibit G. The Agricultural Commission is an advisory body, and with limited exceptions, a formal action is not required for the Planning Commission to act on an application. The Planning Commission should, however, take their advice into consideration as required by the General Plan.

APN 089-030-24 is currently 20 acres in size. The Lot Line Adjustment would reduce that acreage to less than 20 acres. Policy 2.2.2.2.B requires that parcels with the Agricultural District overlay designation containing choice soils be a minimum of 20 acres. Planning has determined that because the project is surrounded by parcels also designated with the Agricultural District overlay, that the purpose of the required lot line adjustment is to enhance the commercial support activities of the winery, and that the project site contains an established winery and vineyards, that the reduced parcel size would still allow the parcels to meet the intent of the Agricultural District overlay.

Adverse Impacts on Surrounding Lands: **Policy 8.2.2.2** states that the approving authority shall find that the use will not substantially detract from agricultural production in the surrounding area and that it will be 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.

Discussion: Staff is recommending exclusion of the 20-acre parcel (089-030-24) until it is incorporated into the winery parcel (089-030-23). Staff finds that the proposal for the winery parcel, as conditioned, would be compatible as the majority of the surrounding parcels are involved in agricultural uses.

General Plan Consistency: The project has been reviewed in accordance with the General Plan policies, and the project would be consistent with the General Plan with the incorporation of the recommended conditions of approval. Findings of consistency with the General Plan are provided in Attachment 2.

**Zoning:** As shown in Exhibit D, the parcel identified by APN 089-030-23 (“winery parcel”) is zoned Exclusive Agricultural (AE) and the one identified by APN 089-030-24 (“residential parcel”) is zoned Estate Residential Ten-Acre (RE-10). AE-zoned parcels are permitted to have wineries by-right, subject to the provisions of Section 17.14.200-Wineries. RE-10 parcels are not allowed wineries by-right. Agricultural structures, and the raising, packing, processing and sale of field crops (products), but not to change the nature of the products are permitted by right, pursuant to Sections 17.70.090 B, E and F.

Exhibit E, in combination with Exhibit D, shows that the area designated by the applicant with hatch marks, contains a gazebo structure and concert/wedding area where the Winery has been

holding summer concerts and other special events in the past years. If those activities were to continue at this site, a portion of the parcel would need to be merged with the winery parcel, as a winery has not been established on the site.

Section 17.14.200.D.6 (Lot) states, “for purposes of the Winery Ordinance, the term “Lot” is used to describe an individual legal parcel. This does not include an administrative parcel used by the Assessor for tax purposes. Lots under the same ownership are not considered to be a single lot for purposes of the Winery Ordinance.” A Lot Line Adjustment would be required to encompass the gazebo structure and any area within the residential parcel to be utilized for special events. A condition of approval is recommended that requires that the special events area would be combined with the winery parcel through a Lot Line Adjustment, before additional events are authorized there.

Winery Ordinance Section 17.14.200.E.2 establishes a 50-foot setback requirement for all wineries, tasting facilities, and outdoor use areas, excluding parking lots and picnic areas for parcels within a General Plan Agricultural District, measured from all property lines. This would exclude those activities from the small portion of the winery parcel that juts into the north boundary.

**Special Use Permit:** Sections 17.14.200.C.3.a&b allow special events for wineries up to 48 days per calendar year, and limited to 250 persons at one time. An increase in the number of attendees and events over and above those allowed by-right are allowed after obtaining a Special Use Permit from the Planning Commission.

The following Special Use Permit findings are required by Section 17.22.540 of the Zoning Ordinance:

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

Discussion: As discussed in the General Plan and Project Issues sections of the Staff Report, the project, as conditioned, would be consistent with the General Plan.

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

Discussion: The addition of recommended conditions would insure that the project would not have a significant impact on the neighborhood.

3. *The proposed use is specifically permitted by Special Use Permit pursuant to this Title.*

Discussion: As discussed above, the use on APN 089-030-23 is specifically permitted by Section 17.14.200.B of the Zoning Ordinance with an approved Special Use Permit. Events are not permitted on APN 089-030-24 by either the provisions of the RE-10 Zone District or by Section 17.14.200, Wineries.



**Conclusion:** Based on consistency with the General Plan, compatibility with adjacent land uses, and less than significant environmental impacts achieved by the implementation of the recommended conditions, staff finds that the necessary findings can be made to support the project request for the winery parcel (089-030-23). The County cannot consider a Special Use Permit for 20-acre RE-10 parcel (089-030-24) without an approved Lot Line Adjustment. The details of the Findings are contained in Attachment 2.

**ENVIRONMENTAL REVIEW:** Staff has prepared an Initial Study (Negative Declaration and Initial Study with discussion provided in Exhibit I) to determine if the Special Use project may have a significant effect on the environment. Based on the Initial Study, staff has determined that there is no substantial evidence that the proposed project would have a significant effect on the environment, and a 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.). In accordance with State Legislation (California Fish and Game Code Section 711.4), the project is subject to a fee of \$2,101.50 after approval, but prior to the County filing the Notice of Determination on the project. This fee, plus a \$50.00 administration fee, is to be submitted to Planning Services and must be made payable to El Dorado County. The \$2,101.50 is forwarded to the State Department of Fish and Game and is used to help defray the cost of managing and protecting the State's fish and wildlife resources.

## SUPPORT INFORMATION

### Attachments to Staff Report:

Attachment 1 .....	Conditions of Approval
Attachment 2 .....	Findings
Exhibit A .....	Location Map
Exhibit B-1 .....	Project Assessor's Parcel Map
Exhibit B-2 .....	Surrounding Properties Assessor's Parcel Map
Exhibit C .....	General Plan Land Use Map
Exhibit D .....	Zoning Designations
Exhibit E .....	Overall Site Plan; October 13, 2010
Exhibit F .....	Applicant-submitted Project Description (6 pages)
Exhibit G .....	Agricultural Commission Memorandum; September 21, 2011 (4 pages)
Exhibit H .....	Aerial map of surrounding area
Exhibit I .....	Negative Declaration and Initial Study

**ATTACHMENT 1**

**CONDITIONS OF APPROVAL**

**Special Use Permit S10-0011/David Girard Vineyards  
Planning Commission/June 14, 2012**

**Planning Services**

1. This Special Use Permit approval is based upon and limited to compliance with the approved project description, the following hearing exhibit:

Exhibit E .....Overall Site Plan dated October 13, 2010

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.

The project description is as follows:

Approval of this Special Use Permit allows improvements and uses as follows:

APN 089-030-23 for up to 100 events per year for up to 320 guests per event. The hours of operation shall be 9:00 a.m. to 10:00 p.m. Existing uses and improvements include winery & tasting room/events center/vineyards. Approximately 2,400 sq. ft. wine-tasting building, 600 sq. ft. storage barn, approximately 1,200 sq. ft. equipment shelter building, approximately 4,200 sq. ft. outdoor assembly area along the north boundary, and the Viticulture Galleria Building under construction with a 6,360 sq. ft. recreation hall, 2,500 sq. ft. covered porch area, and 480 sq. ft. of storage. The following activities are included for APN 089-030-23:

Marketing Events at the Viticulture Galleria: Wine dinners, seminars, live music, release parties, cooking classes, wine tasting classes, cheese and wine pairings, grape stomp, open house, passport, barrel event.

Special Events at the Viticulture Galleria: Live music concerts, charitable events, and facility rentals for weddings and celebrations, corporate events, art shows, meetings and mixers. The number of employees would vary depending on the event; and

APN 089-030-24 (following the recordation of the Lot Line Adjustment required in accordance with Condition Number 8) for up to 48 special events per year of which a maximum of 12 are to be facility rentals, with a maximum of 250 persons per event. The hours of operation shall be 9:00 a.m. to 10:00 p.m. Existing uses and improvements

include outdoor music concerts, weddings. Vineyard and a gazebo. No events with amplified music shall occur past 7 p.m. unless Conditions 7 and 8 have been satisfied.

The combined number of events for both parcels 089-030-23, and -24 however, shall not exceed 100 per year.

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.

**Planning Services**

2. **Winery Ordinance:** It is the intent of the Special Use Permit to include and incorporate the allowed, by-right land uses of the current (2012) Zoning Ordinance Section 17.14.200.
3. **Site Improvements:** All site improvements shall conform to Exhibit E. Changes in the uses and in the structures/facilities as approved shall require review by Planning Services to determine if the changes can be approved administratively or are substantial enough to require the submittal of a Special Use Permit revision application with review by the Planning Commission.
4. **Condition Compliance:** The applicants shall submit a narrative that clearly states how each Condition of Approval has been, or will be satisfied. Prior to initiation 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 said initiation for verification of compliance with applicable conditions of approval.
5. **Parking:** Parking shall be provided as shown in Exhibit E, and as follows:

Parking Stall Standard	No. of Spaces Required
Standard Space	127 minimum
Accessible Spaces	a) 2 at the Tasting Room (1 with van accessibility); b) 2 at the Viticulture Galleria (1 with van accessibility).

6. **Site Lighting:** All exterior lighting shall conform to Section 17.14.170 requiring full shielding pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should final, installed lighting be non-compliant with full shielding requirements, the applicant shall be responsible for the replacement and/or modification of said lighting to the satisfaction of the Development Services Director or his designee.
7. **Noise:** The applicant is responsible for monitoring all sound levels and enforcing time restrictions for all events occurring on the subject parcel for compliance with the El Dorado County General Plan noise standards. Outdoor amplified music shall comply with all provisions of General Plan Policy 6.5.1.6. No events shall occur at the Gazebo/Outdoor Concert-Wedding area located on APN 089-030-24 and as shown on the Overall Site Plan, until that portion of the parcel has been modified with an approved Lot Line Adjustment and a new noise analysis is submitted that demonstrates that the noise standards will not be exceeded (for special events between 7 p.m. and 10 p.m.). No events shall be permitted past 10 p.m.
8. **Lot Line Adjustment:** The special events area within the area of APN 089-030-24 shown in hatched marks in Exhibit E, Overall Site Plan dated October 13, 2010, shall be combined with the winery parcel (APN 089-030-23) through a Lot Line Adjustment, prior to initiation of any use authorized by the approved Special Use Permit.
9. **Cultural Resources:** If human remains are discovered at any time during the improvement phase, the County Coroner and Native American Heritage Commission shall be contacted per Section 7050.5 of the Health and Safety Code and Section 5097.89 of the Public Resources Code. The procedures set forth in Supplementary Document J, Section VIII, of the California Environmental Quality Act (CEQA) Guidelines concerning treatment of the remains shall be followed. If archaeological sites or artifacts are discovered, the applicant shall retain an archaeologist to evaluate the resource.  
  
If the resource is determined to be important, as defined in Appendix K of the CEQA Guidelines, mitigation measures, as agreed to by the subdivider, archaeologist, and Planning Services shall be implemented. Treatment of Native American remains and/or archaeological artifacts shall be the responsibility of the subdivider and shall be subject to review and approval by Planning Services.
10. **Fish and Game Fee:** The applicant shall submit to Planning Services a \$50.00 recording fee and a \$2,101.50 Department of Fish and Game fee prior to filing of the Notice of Determination by the County. No use authorized by this permit shall occur until said fees are paid.
11. **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, as provided in Section 66474.9(b) of the California Government Code.

The applicant shall defend, indemnify, and hold harmless El Dorado County and its agents, officers, and employees from any claim, action, or processing 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, which action is brought within the time period provided for in Section 66499.37 of the California Government Code.

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

### **El Dorado Fire Protection District**

12. Fire access roads 20 to 29-feet in width shall be posted on both sides as a Fire Lane, with no parking allowed on either side of the roadway. Fire access roads 30 to 35-feet in width shall be posted on one side as No Parking Lane, with parking allowed only on the opposite side of the roadway. Fire access roads 36–feet wide and greater may allow parking on both sides of the roadway. The applicant shall submit proof of compliance with this condition prior to initiation of any use authorized by this permit for APN 089-030-23.

## ATTACHMENT 2

### FINDINGS

#### Special Use Permit S10-0011/David Girard Vineyards Planning Commission/June 14, 2012

#### 1.0 CEQA FINDINGS

- 1.1 El Dorado County has considered the Negative Declaration together with the comments received during the public review process. The Negative Declaration reflects the independent judgment of the County and has been completed in compliance with CEQA and is adequate for this project.
- 1.2 No significant impacts to the environment as a result of this project were identified in the initial study.
- 1.3 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 General Plan which designates the subject site as Agricultural Lands with an Agricultural District overlay (AL-A) because the requested types of special events on the winery parcel (APN 089-030-23) and the portion of the gazebo parcel (APN 089-030-24) shown in Exhibit E after a Lot Line Adjustment, are compatible with wineries and because the events are subservient to agricultural uses of the land are allowed.
- 2.2 As conditioned, and with adherence to County Code, the proposal for additional special events on the winery parcel (APN 089-030-23) and the portion of the gazebo parcel (APN 089-030-24) shown in Exhibit E after a Lot Line Adjustment, are consistent with the following General Plan policies:
  - 2.2.5.21 (land use compatibility) because as conditioned, the project provides agricultural/winery uses compatible with the surrounding agricultural lands;
  - 6.2.3.2 (adequate emergency access) because of the review and conditioning of the project by El Dorado Fire Protection District for emergency ingress/egress capabilities;
  - 6.5.1.2, 6.5.1.7 (noise impacts) because conditions of approval have been included to ensure that the noise levels for the amplified music proposed for special events will not exceed General Plan noise thresholds; and

8.2.2.2 (impacts to agriculturally-zoned lands) because the proposal for the winery parcel, as conditioned, would be compatible as the majority of the surrounding parcels are involved in some sort of hobby or commercial agricultural use. Because the project is surrounded by parcels also designated with the Agricultural District overlay, the purpose of the required lot line adjustment is to enhance the commercial support activities of the winery, and the project site contains an established winery and vineyards, the reduced parcel size meets the intent of the Agricultural District overlay.

### **3.0 ZONING FINDINGS**

- 3.1 The parcel identified by APN 089-030-23 is zoned Exclusive Agricultural (AE) and upon fulfillment of the conditions, would comply with the development standards of required of Section 17.36.090 (AE development standards) of the Zoning Code for all County permitted structures, as well as Chapter 17.14.200, Winery Ordinance of County Code.
- 3.2 The parcel identified by APN 089-030-24 will comply with the Zoning Ordinance when the Lot Line Adjustment (Condition 8) is recorded.

### **4.0 SPECIAL USE PERMIT FINDINGS**

- 4.1 **The issuance of the permit is consistent with the General Plan.** The applicant's proposal, as conditioned, is in compliance with County regulations, addressing environmental issues and health and safety concerns. All project-related environmental issues have been evaluated. Therefore, staff finds that the project, as conditioned, conforms to the General Plan.
- 4.2 **The proposed use would not be detrimental to the public health, safety and welfare, or injurious to the neighborhood.** As conditioned, the use will not conflict with the adjacent uses as it will be contained, for the most part, within an accessory building (Viticulture Galleria building) and is conditioned to comply with General Plan noise policies. After review of the submitted site plan and upon consultations with concerned agencies, it has been determined that the impacts of allowing the up to 100 special events and up to 320 guests, with strict compliance with General Plan established noise standards, will not have a detrimental affect nor be injurious to the neighborhood.
- 4.3 **The proposed use is specifically permitted by special use permit pursuant to** County Code Section 17.14.200.B but only on the same parcel as the existing winery (APN 089-030-23). With an approved Lot Line Adjustment with APN 089-030-23, the hatched portion of that parcel shown on the approved Overall Site Plan dated October 13, 2010 (Exhibit E) will also be permitted in accordance with Table B.3 of Section 17.14.200.