

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



Agenda of: January 24, 2013
Item No.: 8.a
Staff: Aaron Mount

SPECIAL USE PERMIT REVISION

FILE NUMBER: S04-0001-R/Oakstone Winery

APPLICANT: John L. Smith

OWNER: John L. Smith

REQUEST: Special Use Permit Revision for the Oakstone Winery to add the following uses:
A. Wine Tasting
B. On-site Wine Sales
C. Limited Marketing Activities
D. Picnic area
E. Retail Sales

LOCATION: Located on the south side of Irish Acres Road, at the intersection with Slug Gulch Road, in the Fair Play area, Supervisorial District 2. (Exhibit A)

APN: 095-080-56 (Exhibit B)

ACREAGE: 21 acres

GENERAL PLAN: Rural Residential-Agricultural District (RR-A) (Exhibit C)

ZONING: Agricultural Preserve (AP) (Exhibit D)

ENVIRONMENTAL DOCUMENT: Previously adopted Mitigated Negative Declaration

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

1. Find that the previous Mitigated Negative Declaration for the project sufficiently analyzed the project and the modifications made to the use do not raise new environmental impacts; and
2. Approve Special Use Permit Revision S04-0001-R, subject to the Conditions of Approval in Attachment 1, based on the Findings listed in Attachment 2.

STAFF ANALYSIS

Background:

The Zoning Administrator approved Special Use Permit S04-0001 on May 19, 2004, allowing for the conversion of an existing 3,200 square foot agricultural building into a wine production facility.

The applicant owns a winery on an adjacent parcel that was destroyed by fire on July 07, 2012 (APN 095-260-65). In an effort to keep the business active the applicant requested and the County approved a Temporary Use Permit (TUP12-0018) for the project parcel to allow expanded uses for a set amount of time while the subject Special Use Permit application was processed.

Project Description: This is a request to revise Special Use Permit S04-0001 to allow the existing 3,200 square foot wine production facility and project parcel to include the following uses:

- a) Conduct public tastings at the facility, as defined in the El Dorado County Ordinance Code Section 17.14.200.C.2
- b) Sell wine on-site to the public, as defined in 17.14.200.C.2.b.
- c) Conduct Marketing activities, as defined in 17.14.200.C.2.c.
- d) Picnic areas, as defined in 17.14.200.C.8.
- e) Retail sales, as defined in 17.14.200.C.9.

Wine tasting would be conducted in three locations: 1) The tasting room on the second floor, 2) On the deck extending from the second floor as shown on Exhibit J, and 3) In the barrel and tank cellar as shown on Exhibit I.

The facility is operating as a wine production facility from 9:00 am to 5:00 pm from Monday through Sunday. The facility would be open for public tasting and wine sales from 11:00 am to 5:00 pm on Friday, Saturday, and Sunday.

The applicant has not requested authorization for any Special Events as that term is defined in the El Dorado County Ordinance Code Section 17.14.200.C.3, nor any change to the maximum number of 4 employees on-site at any one time.

The detailed project description is attached (Exhibit F) along with a proposed schematic floor plans (Exhibits I & J) and site plans (Exhibits G & H).

Site Description: The subject property is located on a northwest-southeast trending ridge at an average elevation of 2,450 feet above mean sea level. Vegetation on the property consists of open grassland and oak woodland. Topography on the property is gentle to moderate with slopes ranging from 5 to 25% sloping down towards Slug Gulch Road and Perry Creek. Approximately 6 acres of the property have been planted with wine grape vines. Agricultural improvements on the site include deer fencing, an agricultural well and irrigation system, and terraces and trellises for the grape vines.

The project parcel contains one structure which contains the previously approved wine production operation. The facility is 60' x 40', with a first floor gross square footage of 2400 feet and a covered crush pad 20' x 40'. The facility has a partial second floor with a 240 square foot tasting room, a 63 square foot handicap-access bathroom and a 10' x 14' foot deck as shown on Exhibit J. The facility is fully ADA compliant, with a handicapped parking spot properly marked and ramp to the elevated front door, as indicated on Exhibit K. The winery is accessed by Irish Acres Road which is a private non-County maintained road. The road was recently paved by the applicant from Slug Gulch Road to the first driveway on to the project parcel.

Project Issues:

The primary issues addressed for this project include traffic and noise.

Traffic: With the increased uses being requested for the project site by the applicant brings the potential for increased traffic. However, the site is constrained by the amount of parking spaces which would limit the amount of people visiting the proposed tasting room or marketing activities. The submitted site plan shows only four parking spaces for customers with no overflow parking available. This would equate to an addition of 4-16 people at the site in addition to the employees currently there. The Department of Transportation determined this would be an insignificant increase in traffic and proposed a condition to improve the encroachment on to Slug Gulch Road which was completed during the paving of Irish Acres Road.

Noise: When the project was originally approved, the intention was for the site to be a wine production facility only. The request to expand the uses would include outdoor uses available to the public including picnic areas and marketing activities. The applicant has agreed to limit outside noise by restricting amplified music and voices to within the winery structure. This would limit outside noise to voices and automobiles. As discussed above, the on-site parking would limit the amount of people on the project site as there are only four on-site parking spaces. and the site's capacity is further limited by the 240 square foot tasting room. With the limitations of the capacity of the project parcel and the agreed restriction of amplified voice and music, it can be anticipated that any noise emanating from the project parcel related to the wineries public use would be within the General Plan guidelines for non-transportation noise sources. Any noise emanating from the project parcel related to agricultural uses would be protected by the Right to Farm Ordinance.

General Plan, Zoning and other regulations: The existing winery, along with the additional ancillary uses would not conflict with the Rural Residential land use designation for the site, the Agricultural District overlay, or the AP zone district, as a winery is permitted within the AP zone district with the approval of a Special Use Permit. The existing development on the project site has been built consistent with the development standards of the AP zone district, including the parking regulations, as shown in Exhibit J.

Section 17.36.330.J of the Zoning Ordinance allows wineries and wine tasting facilities in the AP zone district by Special Use Permit. Section 17.14.200 of the Zoning Ordinance, the winery ordinance, describes the uses allowed in certain zone districts that contain the necessary acreage and minimum producing wine grape vines. As detailed in the project description, the uses being requested are consistent with the winery Ordinance, 17.14.200, as allowed within the AP Zone District.

Proposed Zoning Ordinance:

The County is currently processing a Targeted General Plan Amendment (TGPA) and Zoning Ordinance Update (ZOU). As proposed in the Zoning Ordinance Update the project parcel would be within the Planned Agricultural (PA) zone district and all uses being requested within this Special Use Permit would be allowed by right.

ENVIRONMENTAL REVIEW

Staff has determined that, pursuant to CEQA Guidelines Section 15162, no subsequent Mitigated Negative Declaration is necessary as there has been no substantial change in the project that would cause a significant effect on the environment. The previous Mitigated Negative Declaration has been attached (Exhibit M). This is a revision to a Special Use Permit to allow ancillary uses to the existing wine production facility. The proposed uses would not involve significant environmental effects or a substantial increase in the severity of previously identified significant effects.

SUPPORT INFORMATION

Attachments to Staff Report:

Attachment 1	Conditions of Approval
Attachment 2	Findings
Exhibit A	Location Map
Exhibit B	Assessor's Map
Exhibit C	General Plan Land Use Designation Map
Exhibit D	Zoning Designation Map
Exhibit E	Project Site Airphoto
Exhibit F	Project Description
Exhibit G	Site Plan
Exhibit H	Site Plan Detail
Exhibit I	Floor Plan Lower Level
Exhibit J	Floor Plan Upper Level
Exhibit K	Parking Plan
Exhibit L	K./C. Lindborg Letter; October 30, 2012
Exhibit M	CEQA Initial Study (S04-0001)

ATTACHMENT 1

CONDITIONS OF APPROVAL

Special Use Permit Revision S04-0001-R/Oakstone Winery Planning Commission/January 24, 2013

1. This Special Use Permit is based upon and limited to compliance with the project description, the following hearing exhibits, and conditions of approval set forth below:

Exhibit G.....Site Plan
Exhibit H.....Site Plan Detail
Exhibit IFloor Plan Lower Level
Exhibit JFloor Plan Upper Level
Exhibit K.....Parking Plan

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:

Revision to a Special Use Permit to allow the following uses within an existing 20.8-acre parcel identified by Assessor's Parcel Number 095-080-56:

- a. Winery.
- b. Public tasting facilities.
- c. Retail sale of wine.
- d. Retail sales of merchandise, art, and prepackage food items.
- e. Marketing activities.
- f. Picnic areas.

The facility will be operated as a wine production facility from 9:00 am to 5:00 pm from Monday through Sunday. The facility will be open for public tasting and wine sales from 11:00 am to 5:00 pm on Friday, Saturday, and Sunday. No more than 4 employees shall be allowed on the site at any one time.

Minor modifications to the Special Use Permit may be approved by the Planning Director. Major Modifications will require an amendment to the Special Use Permit

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.

1. ~~The Special Use Permit, as approved, shall allow the following:
a) Conversion of an existing 3,200 square foot agricultural storage building into a winery (wine production facility).
b) No public wine tasting shall be allowed.
c) Sales shall be limited to mail, internet, and phone. No on-site sales to the public shall be allowed.
d) No more than 4 employees shall be allowed on the site at any one time.
Minor modifications to the Special Use Permit may be approved by the Planning Director. Major Modifications will require an amendment to the Special Use Permit~~

Planning Services

2. Outdoor amplified music or amplified speech shall not be allowed on the project parcel.
3. All parking shall be on-site and parking shall not be allowed on Irish Acres Road
4. Any outdoor lighting utilized by the project shall comply with County Code Section 17.14.170, and be fully shielded pursuant to the Illumination Engineering Society of North America's (IESNA) full cut-off designation. Should any installed light 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 Planning Services.
5. The property owners are responsible for complying with all conditions of approval contained in this Special Use Permit. Any zoning violations concerning the installation, operation, and/or abandonment of the facility are the responsibility of the property owners.
6. A \$50.00 administration fee is required by the County Recorder to file the Notice of Exemption. This fee shall be made payable to El Dorado County and shall be submitted to Planning Services immediately following the hearing project approval.
7. 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.

82. All structural, electrical and plumbing improvements associated with the conversion shall be subject to a building permit from the El Dorado County Building Department.
93. The proposed on-site septic disposal system shall be reviewed and permitted by the El Dorado County Environmental Management department.
104. The project shall be subject to the County's Traffic Impact Mitigation (TIM) fee programs. Said fees shall be due upon issuance of a building permit. If prior to the application for a building permit for said project revised fees are established, such revised amounts shall be paid.
- ~~5. The applicant shall comply with all County requirements related to the Department of Transportation including, but not limited to the County of El Dorado "Design and Improvements Standards Manual" the "Grading, Erosion, and Sediment Control Ordinance," the "Drainage Manual," the "Of Street Parking and Loading Ordinance" and the State of California Handicapped Accessibility Standards.~~
- ~~6. The project encroachment onto Slug Gulch Road shall be improved to a Standard Plan 103C, and shall be approved by the Department of Transportation.~~
- ~~7. The applicant shall submit and receive approval for a Waste Discharge Requirement Waiver from the State of California Central Valley Regional Water Quality Control Board pursuant to Resolution R5 2003 0106 prior to discharge of any liquid wastes associated with the winery production.~~

Mitigation Measures

- ~~8. The property owner shall file a Notice of Restriction on the property requiring the following:
In the event a heritage resource or other item of historical or archaeological interest is discovered during grading and construction activities, the property owner shall ensure that all such activities cease within 50 feet of the discovery until an archeologist can examine the find in place and determine its significance. If the find is determined to be significant and authenticated, the archeologist shall determine the proper methods) 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. All future grading plans for the property shall include this condition on the plans. The Planning Department shall review the grading plans prior to issuance of a grading permit.~~
- ~~9. The property owner shall file a Notice of Restriction on the property requiring the following:
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. All future grading plans for the property shall include this condition on the plans. The Planning Department shall review the grading plans prior to the issuance of a grading permit.~~

ATTACHMENT 2

FINDINGS

Special Use Permit Revision S04-0001-R/Oakstone Winery Planning Commission/January 24, 2013

Based on the review and analysis of this project by staff and affected agencies, and supported by discussion in the staff report and evidence in the record, the Planning Commission makes the following findings:

1.0 CEQA FINDINGS

- 1.1 Pursuant to CEQA Guidelines Section 15162, no subsequent Mitigated Negative Declaration shall be prepared for the project as there has been no substantial change in the project, based on the whole record, that would cause a significant effect on the environment. There have been no significant environmental effects identified or substantial increase in the severity of previously identified significant effects with the proposed expanded use. The expanded use will not involve new significant effects not discussed in the previous mitigated negative declaration. The previously adopted mitigation measures for the project continue to be feasible for the expanded use.
- 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 The Planning Commission finds the project is consistent with the following General Plan policies:
 - a. 2.2.5.21 (compatibility with surroundings) because as conditioned, it would be compatible with surrounding uses, have minimal impacts on visual resources, existing utilities, existing emergency response access and times, and will create noises at insignificant levels. There are adequate services to facilitate the site, such as water, power and telephone communication facilities.
 - b. 6.2.3.2 (adequate access) because DOT and the Pioneer Fire Protection District have found that the project has adequate access capability. The access road and encroachment have been recently paved and meet width requirements for County standards and fire safe regulations.
 - c. 6.5.1.7 (noise exposure) because no amplified voices or music are allowed outside the building and the project site has limited public capacity, no significant noise impacts are anticipated that will conflict with County standards listed in Table 6-2 in the General Plan that limits noise emission levels.

- d. 8.1.4.1 (agricultural compatibility) because the Agricultural Commission reviewed the project and determined that the tasting room and additional uses would be secondary and subordinate to the agricultural uses and will have no significant adverse effects on agricultural production on the subject or surrounding parcels.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 17.

The project meets all applicable development standards contained within Section 17.36.340 of the County Code, including setbacks, landscaping, parking and architectural design.

4.0 SPECIAL USE PERMIT FINDINGS

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

The proposed project has been analyzed for consistency with General Plan Policies 2.2.1.5 (Building Intensities), 2.2.5.21 (Land Use Compatibility), 6.2.3.2 (Adequate Access) and 8.1.4.1 (agricultural compatibility) and has been found to be consistent with these policies as discussed in the General Plan findings section above and within the staff report.

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

The use will not conflict with the adjacent uses as the use will not create hazards that would be detrimental to the public health, safety, and welfare, or injurious to the neighborhood based on the data and conclusions contained in the staff report. The traffic, emergency response and ingress/egress capabilities have been fully considered by DOT and the Pioneer Fire Protection District and were found to be adequate. The intermittent noise impacts have been considered and will not be significant as they will not be amplified.

4.3 The proposed use is specifically permitted by Special Use Permit.

The proposed use is permitted by Special Use Permit in the AP zone district pursuant to Section 17.36.330.J of the County Code. The AP zone district limits those uses otherwise allowed by right in the winery ordinance, Section 17.14.200, that are allowed in other agricultural zone districts. The winery ordinance allows a range of accessory uses to growing grapes, and the proposed uses are consistent with that allowed in Sections 17.14.200.C.2, 17.14.200.C.2.b, 17.14.200.C.2.c, 17.14.200.C.8, and 17.14.200.C.9.