

FINDINGS

Conditional Use Permit S18-0003/Marcelais Mine Winery Planning Commission/November 8, 2018

1.0 CEQA FINDINGS

- 1.1 The project has been found to be Categorically Exempt from the requirements of California Environmental Quality Act (CEQA) pursuant to Section 15303(c), Conversion of Small Structures, which allows a structure not involving the use of significant amounts of hazardous substances, and not exceeding 2,500 square feet in floor area. The proposed winery does not use significant amounts of hazardous substances and no new structures are proposed. The change in use of the existing 1,500 square-foot structure complies with this exemption.
- 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 Planning and Building Department at 2850 Fairlane Court, Placerville, CA 95667.

2.0 GENERAL PLAN FINDINGS

2.1 **The proposed use is consistent with General Plan Policy 2.2.1.2.**

Rural Residential (RR) “This land use designation establishes areas for residential and agricultural development. These lands will typically have limited infrastructure and public services and will remain for the most part in their natural state. This category is appropriate for lands that are characterized by steeper topography, high fire hazards, and limited or substandard access as well as “choice” agricultural soils. The RR designation shall be used as a transition between LDR and the Natural Resource (NR) designation. Clustering of residential units under allowable densities is encouraged as a means of preserving large areas in their natural state or for agricultural production. Typical uses include single-family residences, agricultural support structures, a full range of agricultural production uses, recreation, and mineral development activities. The allowable density for this designation is one dwelling unit per 10 to 160 acres. This designation is considered appropriate only in the Rural Regions.”

Rationale: The project is consistent with the Rural Residential (RR) land use descriptions defined by General Plan Policy 2.2.1.2. The project proposes a small winery in an existing building. The RR designation supports agricultural activities and production uses. This use is consistent with the intent of the Rural Residential land use designation.

2.2 **The proposed use is consistent with General Plan Policy 2.2.5.2.**

“All applications for discretionary projects or permits including, but not limited to, General Plan amendments, zoning boundary amendments, tentative maps for major and minor land divisions, and special use permits shall be reviewed to determine consistency with the policies of the General Plan. No approvals shall be granted unless a finding is

made that the project or permit is consistent with the General Plan. In the case of General Plan amendments, such amendments can be rendered consistent with the General Plan by modifying or deleting the General Plan provisions, including both the land use map and any relevant textual policies, with which the proposed amendments would be inconsistent.”

Rationale: The project has been reviewed in accordance with General Plan Policy 2.2.5.2 and has been found to be consistent with all applicable policies of the General Plan. As conditioned, the proposal is consistent with the intent of the General Plan, as determined within the General Plan Findings.

2.3 The proposed use is consistent with General Plan Policy 2.2.5.21.

General Plan Policy 2.2.5.21 requires that “development projects be located and designed in a manner that avoids incompatibility with adjoining land uses.”

Rationale: The project site is surrounded by residential estate land uses to the east, west and north (RL-10). Existing development on the subject property includes a residence and two barns, one of which is inspection-exempt. Both barns were finalized through the building permit process. A total of 1,500 square feet of the existing inspection-exempt barn and storage building would be renovated for use as winery and processing facilities. The applicant has agreed to file for a building permit after approval of the Conditional Use Permit application. Conditions of Approval limiting the use of the facility and wine sales are included to maintain compatibility with the surrounding area. Agricultural use is considered compatible with the lands designated Rural Residential in the General Plan.

2.4 The proposed use is consistent with General Plan Policy 5.1.2.1.

General Plan Policy 5.1.2.1 requires a “determination of the adequacy of the public services and utilities to be impacted by that development.”

Rationale: The project would not increase the need for public services or utilities. The production of wine does not require the use of public services, as the project proposes the use of manually operated equipment and existing residential water supply for the minimal processing. The project would not generate a substantial increase in solid waste.

2.5 The proposed use is consistent with General Plan Policy 5.2.1.2.

General Plan Policy 5.2.1.2 requires that “adequate quantity and quality of water for all uses, including fire protection, be provided with proposed development.”

Rationale: The site is currently served by the Diamond Springs/El Dorado Fire Protection District (FPD) for fire protection. The project was reviewed by the County Department of Transportation (DOT) and the Diamond Springs/El Dorado Fire Department for adequate access and fire protection. No comments or concerns about the project were provided by DOT or the Diamond Springs/El Dorado FPD.

2.6 The proposed use is consistent with General Plan Policy 6.2.3.2.

Policy 6.2.3.2, Adequate Access for Emergencies, requires that the applicant “demonstrate that adequate access exists, or can be provided to ensure that emergency vehicles can access the site and private vehicles can evacuate the area.”

Rationale: The Transportation Department and Long Range Planning reviewed the application materials and site plan for adequate access for emergencies. The project was required to address the adequacy of vehicle parking for anticipated demand, vehicle types, and zoning requirements. It was determined that a traffic study was not required, since the proposed use would include no on-site sales, and would generate a “very low increase in trips.” The roads serving the development have sufficient capacity to accommodate any added traffic without resulting in unacceptable levels of service. Operations are to occur in the existing building and there are no proposed public access changes to the site, thus on-site circulation was reviewed as part of previous approvals and on-site transportation review was not needed. No additional site access or improvements to the existing roads are required. The project is thus in compliance with the General Plan Policy.

2.7 The proposed use is consistent with General Plan Policy 8.1.4.1.

Policy 8.1.4.1 requires that the Agricultural Commission “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. Before granting approval, a determination shall be made by the approving authority that the proposed use:

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

Rationale: The Agricultural Commission reviewed the proposed project and made a recommendation to approve. Agenda item 18-0589 was approved with a 6-0 decision to approve with no exceptions or conditions on April 11, 2018 (Exhibit G). The project thus complies with the General Plan Policy.

2.8 The proposed use is consistent with General Plan Policy 10.1.5.4.

Policy 10.1.5.4 identifies the objective to recognize and promote agricultural based industries in El Dorado County and provide for the expansion of value added industries in an economically viable manner consistent with available resources.

Rationale: The Conditional Use Permit would allow for growth of an agriculturally based business supported by an existing agricultural use.

3.0 ZONING FINDINGS

3.1 The proposed use is consistent with Title 130.21.

The Rural Lands Zone is intended to preserve the rural character of an area by providing for and regulating the development of low density and rural residential development. Agricultural structures and uses are considered compatible with this zone.

Rationale: The parcel is zoned Rural Lands, 10-Acre minimum (RL-10). The Zone matrix of allowed uses and permit requirements establishes those uses that are permitted and those that require approval by a Conditional Use Permit in the RL zone district. The matrix includes Wineries, which are allowed by Conditional Use Permit with reference to Table 130.40.400.1 (Wineries Allowed Uses Matrix).

The project has been analyzed in accordance with Zoning Ordinance Section 130.21.030 (Development Standards) for minimum lot size, dimensions, building height, and building setbacks. The project, as proposed, is consistent with the Zoning Ordinance because the project complies with the applicable standards.

3.2 The proposed use is consistent with Chapter 130.35, Parking and Loading.

This Chapter contains standards for off-street parking requirements for residential and non-residential uses.

Rationale: Section 130.35.030 - Off-Street Parking and Loading Requirements requires a winery to include one Off-Street Vehicle Parking per 2,000 square feet of active use area (AUA); plus one Off-Street Vehicle Parking per 5,000 square feet of storage. The proposed use would involve the shipment of wine or merchandise by vehicle. The use of the building as a winery would not necessitate a high level of parking and loading as public access is not being proposed. The existing driveway that provides access to the winery building provides approximately 2,100 square feet of parking and loading space. The site plan was reviewed for adequacy and it was determined that the existing three cars that can fit in the parking area would adequately serve the winery facility. The parking and loading available on-site meet the minimum number and dimensions required under the parking and loading standards, no other provisions of the

standards apply, and the site is therefore consistent with the intent of the Parking and Loading standards.

3.3 The proposed use is consistent with Chapter 130.37, Noise Standards.

Chapter 130.37, Noise Standards, requires that noise created by new proposed non-transportation noise sources shall be mitigated so as not to exceed the noise level standards of Table 130.37.060.1 for noise-sensitive uses.

Rationale: The renovation of the inspection-exempt barn as a part of the project is subject to a building permit. The applicant understands that there are noise limitations in place as part of this process. Therefore, short-term noise could occur during the renovation process. Long-term noise is not anticipated from the operation of the processing equipment and storage facility, as most equipment is manually operated. According to the Zoning Ordinance, non-transportation noise in rural regions is limited to a time-averaged level of 50 dBA and maximum of 60 dB from 7 a.m. to 7 p.m., and an average of 45 dBA and maximum of 55 dBA from 7 p.m. to 10 pm. the closest residence is approximately 400 feet to the west with existing trees and hilly terrain between this home and the winery building. The noise levels in a rural region are measured at a point 100 feet away from the nearest residence. The noise levels for normal operation of the microwinery are expected to be below this threshold, as the project does not propose any amplified music, operation of a tasting room, or other activities not typically associated with the operation of a microwinery. Noise could potentially result from the cultivation, harvesting, or processing of the grapes. However these operations are not anticipated to cause excess noise due to, as previously mentioned, the use of primarily manually operated equipment. Winery operations including bottling, cellaring, and packaging for sales of wine will not produce any significant noise.

3.4 The proposed use is consistent with Section 130.40.200 – Wineries.

Section 130.40.400 – Wineries “provides for the orderly development of wineries and accessory uses within specified agricultural zones and specified residential zones to ensure compatibility with adjacent land uses.”

Table 130.40.400.3 identifies that micro-winerries are allowed in RL zoned properties outside of an Agricultural District with a Conditional Use Permit.

Section 130.40.400-2 specifies that:

- a. All micro-winerries shall have a minimum of one acre of planted wine grapes on the same lot;

- b. The capacity of the micro-winery shall not exceed 250 cases (595 gallons) for each acre of wine grapes grown on the lot, with a total capacity not to exceed 1,250 cases (2,972 gallons);
- c. No other accessory uses described in this section are allowed on the site.

Rationale: This Conditional Use Permit would permit the existing 5-acre vineyard on a lot zoned RL-10 in an Agricultural District to operate as a micro-winery with a production capability of 400 total cases of wine per year. No tasting rooms or other accessory uses are proposed.

4.0 CONDITIONAL USE PERMIT FINDINGS

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

Rationale: As discussed above in Section 2.0, General Plan Findings, the Conditional Use Permit is consistent with the applicable policies and requirements in the El Dorado County General Plan.

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

Rationale: The use will not conflict with surrounding uses. The proposed use will comply with the Development Standards of the RL zone district. The proposed use is consistent with the surrounding land uses which include large residential lots and vacant land. The project is not expected to result in any changes to the current condition of the site. As conditioned, the project is not anticipated to result in significant environmental, visual, or noise impacts to the surrounding area.

This application is consistent with the June 7, 2016 voter-approved ballot Measure E because the project will generate minimal trips to the site, and will not cause traffic to reach Level Of Service (LOS) F during peak hours. As there are no on-site wine sales or general public access proposed, the use would not include additional trips to the site to taste or purchase wine, or to attend events.

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

Rationale: Wineries are specifically permitted by Conditional Use Permit pursuant to Section 130.40.400.H The subject property is located in the RE-5 zone district. Section 130.2 establishes the proposed uses that require approval by a Conditional Use Permit. This application meets the requirement of the applicable provisions above subject to a Conditional Use Permit.